THE

Parliamentary Regiſter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The moſt intereſting SPEECHES and MOTIONS; accurate Copies of the moſt remarkable LETTERS and PAPERS; of the moſt material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FIFTH SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

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TO THE

DEBATES AND PROCEEDINGS

IN THE

HOUSE OF LORDS.

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THE

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS,

In the FIFTH SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY, the 25th of NOVEMBER, 1790.

Tuesday, 30*th December*, 1794.

THIS being the day appointed for opening the session, at three o'clock His Majesty came down to the House, and being seated on the throne, a message was sent, commanding the attendance of the Commons; the Speaker and several Members attended at the bar, when His Majesty was pleased to make a most gracious speech from the Throne. [For a copy of which, see the Proceedings of the House of Commons.]

The LORD CHANCELLOR read the Speech from the woolsack, which was read again by the clerk, in the usual form.

Earl CAMDEN rose to move the Address to the Speech which had been now read. As he had not, his Lordship observed, offered himself to the House on less important occasions, and at a period of less moment, he trusted that he would not be accused of presumption, in rising at a time, which he considered of great difficulty, and replete with no common degree of danger. If he had not all the ability necessary to impress, with due force, what he had to offer,

yet there was no man more anxious to see the address, which he was induced to move, carried with alacrity and unanimity. He was, he said, however, relieved from a great part of the solicitude which he would otherwise feel, as he was conscious of the necessity and propriety of prosecuting the war, and he was well convinced that there was at least one part of the speech that would give heart-felt satisfaction to every noble Lord in the House, and that was the intimation of the marriage of His Royal Highness the Prince of Wales to the Princess Caroline of Brunswick, in his Majesty's speech. However much their Lordships might differ in political subjects, he was confident that they would be unanimous in expressing to his Majesty their sincere congratulations on that auspicious event, and that they would cheerfully concur in the measures which were recommended.

His Lordship also said, that the treaty with America would certainly meet with the unanimous approbation of their Lordships, when it was submitted to their consideration. He adverted again to the situation of public affairs, and declared that there was no consideration which had impressed itself more strongly on his mind than the propriety of following up, with vigour and spirit, the prosecution of the war, as it must appear to every man who had the honour and dignity of his country at heart, that there was no other line which could be pursued in the present moment. It was the more necessary to follow up this measure on our part, as France, during the war against us, had indulged in menaces and threats at various periods, and it would therefore be timidity on our part, to offer to negociate a peace with that country, more particularly as, in addition to this, she had been extremely successful during the last campaign, and considerably extended her conquests. Is it proper, said his Lordship, in the moment when the enemy's arms have been successful, that we ought to ask for peace? Would they not imagine, could we humble ourselves to that abject condition, that our resources are inadequate to the further prosecution of the war, and that necessity alone has obliged us to sue for peace? In such a situation, were we likely to obtain peace without relinquishing all those advantages we had acquired? But yet, his Lordship observed that these temporary successes should not intimidate us from pursuing the war with additional spirit, particularly as it must be remembered by their Lordships that she had extended her line of conquest at a former period in almost an equal degree, but was afterwards driven back by the allies from their territories. The exertion on the part of the enemy, he was perfectly convinced, could not, for physical reasons, last: and much of the misfortunes of the last campaign must be attributed to the temporary secession of

one of our allies, and the want of energy in others. Their Lordships had heard His Majesty's most gracious speech read, and the address which he would have the honour of presenting would, conformable to the sentiments contained in that speech, pledge the house to the farther prosecution of the war. He therefore trusted, that no objection would arise to his motion, if he were able to prove that a negociation could not be entered into for peace, that could be concluded on a permanent basis; and as there was no probability in the present distracted state of France that peace could be rendered lasting, their Lordships must foresee that this country could never venture to disarm. His Lordship insisted that this kingdom was never more fit to contest with France than at the present moment. His reason for advancing this proposition was, that there was little probability of France listening to terms of peace at the hour of temporary success, and elated as the French must be at their situation, they would harken to no terms in which we did not agree to relinquish our conquests. How, he asked, could England submit to the humiliation of making such a sacrifice? How could she hope for permanent peace from a Government where faction succeeds faction, and where no alteration takes place that tends to a better order of things? Who, then, could advise us to negociate a peace with a Government of this sort, when, if it was obtained, the most sanguine mind could not advise us to disarm? There were other reasons, his Lordship said, why he thought France was never less able to carry on the war than at present. Those who had attended to the affairs of France must know, that every law which they have been obliged to enact to carry on the war, had been repealed. The law of the *maximum*, and that for obliging the circulation of assignats, they are no longer able to enforce; provisions are at an enormous price, and assignats have found their level.—These manufactures of the revolution are at a discount scarcely to be supposed, not less than 75 per cent. But to make it clear to their Lordships, he remarked that the article for which 24 louis d'or would be given, would not now be sold under 96 in assignats. The expence of carrying on the war, his Lordship stated, was so enormous that the confiscations amounted, for the expences of the last year, to 130 millions. The House must therefore conceive the expence of the next campaign, as provisions in Paris are enormously dear. There was one other consolation for this country; their councils, instead of being composed of a committee of public safety, who possessed every engine necessary to carry on the war with vigour, now consisted of a council who were changing every month. Thus this engine, so serviceable to Roberspierre and his party, was de-

ſtroyed, and their councils without confidence or energy, diſtracted by jealouſy, and weakened by party. The ſituation of England, his Lordſhip was happy to ſay, was quite the reverſe. Our force was never more conſiderable than at this moment. The riſe from the peace eſtabliſhment to the war eſtabliſhment was ſurpriſing, in conſequence of the joint efforts of Great Britain and Ireland; and we had now a force ſufficiently reſpectable to oppoſe, with vigour, the enemy. He lamented the ſeceſſion of the States General from our alliance; but we ſhould derive this advantage from the circumſtance, that it would reſtore to this country a very conſiderable body of men, that might be more advantageouſly employed in other ſervices. In ſhort, he ſaid that the Dutch offered little more than an inauſpicious aid to the common cauſe, and therefore their receſſion was not to be conſidered as a misfortune of any great magnitude. The reſources of this country, his Lordſhip ſaid, were never in a more proſperous ſituation than at preſent. The revenues were never more flouriſhing, the amount of them this year is not much leſs than the laſt; and our reſſources, he would again repeat, were very great indeed. The ſtate of our credit was equally enviable, and this might be eſtimated by the immenſe loan provided by the gentlemen in the city. Was this therefore, he aſked, a time when we ſhould ſacrifice all we have gained? Should we not wait, before we venture to propoſe a negociation for peace, until there was ſomewhat more harmony in France, until ſhe abandon her menaces, and the continuance of tranquillity become leſs uncertain. His Lordſhip conjured the public to reflect that, as the object of France was to attack our Conſtitution, that we ſhould defend that Conſtitution which was the greateſt enemy to their ſyſtem, and the greateſt obſtacle to their plans and machinations. Engliſhmen, he obſerved, ſhould conſider that they were free, and not truſt their liberties in the hands of their enemy. The voice of the people was againſt them; and when their voice was delivered with calmneſs through the proper channel, it was always heard. His Lordſhip concluded by ſaying, that he would no longer treſpaſs on the patience of their Lordſhips, but for the reaſons he had already mentioned, and many others which might be urged, he hoped their Lordſhips would concur unanimouſly in the addreſs which he had the honour to propoſe. He then moved the addreſs, which was the ſame in ſubſtance as that moved in the Houſe of Commons.

The Earl BESBOROUGH began with declaring that he ſhould detain their Lordſhips but a ſhort time, as he entirely concurred with what had been ſaid by the noble Earl near him, who had ſo ably made the motion, and had made it unneceſſary for him to

ſay much more on the ſubject. Lord Beſborough ſaid he muſt entreat their Lordſhips to receive with indulgence what he was about to ſay, as he was little uſed to ſpeak in public, and always muſt do it with difficulty to himſelf—that he muſt addreſs an aſſembly like the preſent with great awe and embarraſſment, an aſſembly compoſed of what was moſt reſpectable in church and ſtate, met together to diſcharge the moſt important duty that could be impoſed on them. Called upon by their Sovereign at this time of public emergency, when their country was in danger, to give him their advice and aſſiſtance how to act.—With reſpect to the firſt paragraph of this addreſs, there could not be a diſſentient voice; every man muſt unite heartily in congratulating his Majeſty on the approaching marriage of His Royal Highneſs the Prince of Wales, and in aſſuring His Majeſty that they would cheerfully concur in making ſuch proviſion as might ſupport the dignity and ſplendor of the heir apparent of theſe realms. As to the advice that we ſhould give our Sovereign, it appeard ſo clear that what had been propoſed by the noble Earl was the true intereſt of the country, that it could require few arguments to induce their Lordſhips to agree to it; for we had no choice how to act but by vigorous exertions, to make our enemies ſee that we were able to defend ourſelves, and that it was for their intereſt to be at peace with us. To make a declaration that we wiſhed for peace, could not tend to attain it, unleſs their Lordſhips were prepared to ſay they would take up with any peace which our reſources did not compell us to do; and he truſted this country would never be reduced to depend on the mercy of the French Convention.—With reſpect to the juſtice and neceſſity of the war, Lord Beſborough agreed with what had been ſaid by the noble mover, and did not think himſelf at liberty to detain their Lordſhips on a ſubject which had been ſo often and ſo ably diſcuſſed by them. It was a war forced upon us by the democratic deſpots of Paris, who, to preſerve their own power, plunged their country in all the calamities of war; who, having deſtroyed all ſocial order, and every thing that is valuable in ſociety, and which makes life happy and comfortable, determined to carry their ruinous principles into all other Nations, and reduce their Conſtitutions to a level with their own.—He could have wiſhed that ſome perſon of greater abilities had been choſen to ſecond this addreſs, but he would not decline it, as he was afraid of appearing indifferent at this moſt critical moment, as he had been unable to attend his duty in Parliament for above three years, and had never given a vote on the preſent war. Our reſources gave Lord Beſborough great ſatisfaction, as they enabled us to continue the conteſt.—What a contraſt was there

between our credit and that of France! Our notes flew over all the world, whilst on their notes they were obliged to stamp a value, under pain of death.

Lord Besborough declared that we must persevere in this just and necessary war; that he did not consider it as a war, the object of which was to interfere with the internal government of France, though it would be a most desirable event that that should be altered, and that they should restore their lawful Sovereign to the throne of his ancestors; but that was not the cause of the people of this country: the great primary object that we are contending for, and which interests every man in this country, is, to obtain for ourselves permanent security, by a safe and honourable peace.

Lord Besborough said, that he was happy that a treaty with America was concluded, that might remove all causes of jealousy and animosity between the two countries; and concluded by observing, that as there were so many persons more worthy of being heard in that House, he should take up no more of their Lordships' time.

The Earl of GUILFORD said, that he felt himself called upon to rise immediately on hearing the Speech of His Majesty, and the Address which had been moved and seconded by the noble Lords who preceded him; it was a duty he owed his country, and he could not delay expressing his surprise at the unwarrantable effrontery of Ministers, in meeting Parliament in the manner which they had done upon the subject of the war. He had often delivered his opinion in that House; but he could have wished, on the business of that day, that the Speech had been so worded, as to have met the general opinion of the House and the country, that the Address might have gone with an unanimous vote to the Throne; but sorry was he to observe that the language of both was such as he must term very ill calculated to produce unanimity there or any where else. Indeed it was, in his opinion, what all their Lordships must refuse their assent to; those who, like himself, had always been against the principle, as well as the conduct, of the war, never could agree to the Address; he did not think there were present any set of men who had the real good of their country at heart, who could agree to it; and certain he was that the great mass of the people without doors must be very much surprised if they did, upon all accounts, but especially on the ground of the impracticability of obstinately persevering in so miserable and ruinous a contest; the country must see and feel the impropriety and wantonness of Ministers in carrying it on, merely to serve their own interested purposes, without any possible advantage even being held out to the country to induce them to countenance longer such a system of ig-

norance, myftery, and confufion. He knew of no poffible motive that any honeft man of common fenfe could have for agreeing to the propofed Addrefs, except upon that deftructive idea of blind confidence in Minifters, and in the fame Minifters who have brought us into the diftracted and miferable fituation in which we are now involved. From thofe who had hitherto placed in thofe Minifters that blind and implicit confidence to which he alluded, he would afk only this, What was their prefent claim to a continuance of it? Nothing, as far as he knew, but a total and complete failure in all their tranfactions, foreign or domeftic, military or diplomatic; this was their fole pretenfion to confidence, and he trufted their conduct had fufficiently evinced to what extent it ought to be given them in future. In the whole of the Addrefs, except the part which he would come to foon, there was not a paragraph or a fentence that did not loudly call for oppofition from that Houfe, except it was their wifh to give themfelves entirely up to the mifguidance and ignorance of thofe Minifters, who had brought us into our prefent difaftrous fituation. As to thofe parts of the Addrefs that were congratulatory, he was amongft the firft to give his moft hearty concurrence in them, as he always would to any thing that could in the fmalleft degree contribute to the fatisfaction and happinefs of the illuftrious family upon the Throne. But the communication on His Majefty's fpeech refpecting the marriage of the Prince of Wales, he confidered to be a fubject that muft produce the moft heartfelt joy and gratulation to all their Lordfhips, and to every Britifh fubject who was fenfible, as they all were, of the many and great fubftantial bleffings which this country has enjoyed under the mild and equal government of the illuftrious Houfe of Hanover. The fucceffion of that illuftrious Houfe had been introduced to the exclufion of the heirs of James the Second, for the purpofe of fecuring to the people of Great Britain thofe rights which they muft ever hold to be their deareft and beft interefts, and which they can only expect to be continued from the happy exiftence of that family upon the Throne, and their perfeverance in the fame principles which placed them in that exalted fituation; any circumftance then that led to extend or fecure that fucceffion, muft be highly gratifying to Englifhmen. On the prefent occafion he would only fay, that if any thing could be wanting to make their happinefs more complete, it would be amply made up by the amiable virtues, the talents, and the public and private character of the illuftrious Prince, whofe future happinefs was fo much connected with this fortunate alliance. He then reverted to the arguments of the two noble Lords who had moved and feconded the Addrefs, with neither of whom he could

agree; for he thought, before any noble Lord could aſſent to the language of the Speech and the Addreſs, they muſt be ſatisfied on three diſtinct points, and theſe contained propoſitions which nothing that had yet been ſaid had the leaſt tendency to prove; firſt, the wiſdom of originally entering into the war; ſecondly, the neceſſity of perſevering and carrying it on, under all the difficulties we had experienced; and laſtly, the prudence and policy of truſting the conduct of it to thoſe who had, by the uniform diſaſter and danger that followed their counſels, brought us to the calamitous ſituation in which we were now placed. Theſe points had been ſo frequently diſcuſſed in that Houſe before, that it was not his intention to preſs them today, more particularly as there would be other opportunities; but he had no heſitation in ſaying, that his opinions remained the ſame as they had been when thoſe queſtions were diſcuſſed laſt year. He denied, and he believed all Europe agreed with him, the wiſdom of entering into the war, the neceſſity of perſevering in it, and the prudence with which it had been conducted. He would put it to the Houſe to ſay, whether we were now in as proſperous a ſituation as when we began the war? Certainly we were not now in the ſame circumſtances in which we were placed three years ago, when many of their Lordſhips, as well as himſelf, had heard, in another place, the bleſſings which the country at that time enjoyed, and had enjoyed, and had a proſpect of enjoying, under the auſpicious influence of peace, ſtated in a ſpeech, which, for eloquence and glowing language, had ſeldom been equalled by any ſtateſman at any period. He wiſhed them only to reflect on that period, and the proſpect it held out, and then compare it with the preſent ſtate of this unhappy country:—Then every thing appeared favourable; now, all was diſtreſs and diſcomfiture; then the bleſſings of peace were conſpicuous in all parts of the country; now, the ravages of war were equally notorious. Our manufactures flouriſhed, our commerce increaſed, our expenditure was reduced, and peace and proſperity went hand in hand together; but where had this proſpect vaniſhed now! Would any man ſay that there was the leaſt chance of its being realized under the preſent management of His Majeſty's Miniſters? The noble Earl who moved the Addreſs, ſeemed to lay much ſtreſs upon what he ſtated to be the ſituation of France. With regard to reſources, he thought it equally became that Houſe and the Public, to conſider the relative ſituation of this country now to what it was before, and to form their deciſion more from facts than prejudices. But allowing, for the moment, the neceſſity of continuing the war, he would aſk, were the people of the country of the ſame mind that they were at the outſet of it, in the higheſt

expectation of succefs and prosperity, and even, he believed, to a degree possessing a sort of mad propensity for war, by whatever means it was created? He contended that, notwithstanding the prosperous state of the country at that time, and the ease with which it might have been perpetuated, the ambitious and interested views of Ministers had overcome every idea of moderation and patriotism, and led them merely to preserve their places, by a proud contempt of peace, and to barter the dearest interests of the country for their own selfish purposes. As he had said before, the people were not the same, and the only thing that remained the same, was the misconduct of Ministers; that shameful system of ignorance, imprudence and obstinacy which had been attached from the first to the principle and prosecution of the present ruinous and miserable war. The noble Earl had said, that this period of disappointment and reverse, was not the time to sue for peace; what a pity it was that he did not give his advice to his friends in office, when our situation wore a very different aspect: and what consolation, he would ask, did the language of the Speech and Address hold out to the country? Shortly this: That after all we have lost in men and money, all we have suffered from the ravages attendant upon warfare, the prospect of peace, while the system of Ministers is persevered in, is still at as great a distance as ever.

Having discussed this point, he came to take notice of the treaties, or gratuitous engagements as they might be called, which this country had entered into with other powers, and which he insisted, from their nature and effect, had proved not to be made so much for the sake of getting allies to assist us, as to pay others to allow us to become their friends in the contest against France. From the pernicious tendency of those treaties, he trusted that Parliament never would consider them as of such obligation as to present any obstacle to the attainment of peace, if it could be had. They had been framed to serve the interested and ambitious purposes of Ministers, and were, no doubt, advantageous to them, however detrimental to the State; for by those we were bound not to make peace without the consent of all parties, and this tended to prolong the duration of a war, upon which it was clear that the existence of the Ministers themselves, in their present situations, entirely depended. It might be for the interest of Austria, that such treaties were entered into, but had we no other interest to look to? How was Holland to be saved but by negociating a peace? And would it not become us to consult upon the best possible terms of concluding that peace for her which was so intimately connected with our own safety? A noble Lord seemed to think that in this case there was danger,

that we might be obliged to make too great facrifices before we could accomplifh that object. In his mind, no facrifices that we had to make would be too great, particularly when it was notorious that but for our interference, Holland might have remained neutral and in the fame ftate of happinefs and profperity with Denmark, Sweden, and the other countries, who had acted with more wifdom than the Britifh Government. On the fubject of Corfica, he faw nothing to congratulate the country; and trufted, that neither the giving up of that, nor any other territory that chofe to put itfelf under the dominion of Great Britain, would be any impediment to the accomplifhment of fo defirable and neceffary an object as peace. He agreed that there might be fome objections ftated to an immediate peace; but if the war was to be carried on, they ought to carry it on like ftatefmen, to prevent the over-growing power and ambition of a great and dangerous rival; and not, like foolifh children, quarreling about trifles, with which we had no right or intereft to interfere at all. Much of what he could fay upon the conduct of the war he would wave at this time; but certainly would infift on the impracticability of carrying it on, if either conquering France, or dictating a government to her, was the object of Minifters; and he was fure that no reafonable man, out of the Cabinet, would differ from him in that opinion. Before either of thefe objects could be accomplifhed, one of two things muft happen, both of which were equally improbable—that we fhould march to Paris, or that the people of France fhould become fo difgufted with the Revolutionary Government that they would deftroy the Convention. But, on the whole, with regard to the ftate of France, we had nothing to govern us but the vague affertions of Minifters, who had proved throughout the whole of the war that they were completely mifinformed, and pitifully ignorant of all that happened in that country. The noble Earl recapitulated the various errors and blunders which the Minifters had fallen into during the war, at different periods, either from ignorance or mifinformation. He replied to what Lord Camden faid refpecting the exhaufted refources of France; and faid, it was but a poor confolation to Englifhmen, to tell them, that, though their refources were nearly exhaufted, the enemy was in a worfe fituation; and even this was only an affertion, nor was there any thing to fupport the fact, but the exploded authority of Minifters, who loft no opportunity of expofing their own ignorance and imbecility, in all matters of ftate; and, when it was faid that the victories which France had obtained coft her fo much, might he not afk how much lefs our difafters had coft this country? He contended, that all the difficulties of making peace were greatly in-

creafed by the continuance in office of thofe Minifters who had involved us in the war. The bad fuccefs of our military operations he followed up, from the dividing the army, after the capture of Valenciennes, to the end of the prefent campaign. He dwelt particularly on the evacuation of Toulon, the failure at Landrecies, the unfortunate refult of the expedition to the Weft Indies, particularly at Guadaloupe, notwithftanding the active and able conduct of the Commanders. He ftated the ufelefs detention of the troops at Southampton, and after paying the handfomeft panegyric to the conduct and military character of the Duke of York, attributed all the failures to the ignorance, the obftinacy, and the weaknefs of Minifters. On reviewing our operations at fea, except the brilliant victory gained by Earl Howe, there was nothing but difafters and lofs, from want of proper protection to our commerce. In negociation Minifters had been equally foolifh, and equally unfuccefsful; he ftated that the diplomatic abfurdity difplayed by Minifters in the Pruffian treaty, could only be equalled by Pruffian perfidy. The argument for the Pruffian fubfidy, (faid the noble Earl) was, that the King of Pruffia could not act without our pecuniary affiftance. How did he act? He did not act againft France, but he acted againft the brave, unoffending people of Poland. He fent his armies to deftroy a virtuous people, ftruggling, in union with their own King, for their own freedom. If, then, the King of Pruffia could not have acted at all, during the laft campaign, being exhaufted, we who enabled him to act, are anfwerable for all the atrocious tyranny which has been committed in Poland.

Having gone over the conduct of Minifters in foreign affairs, he could not fit down without adverting to their conduct at home, where, by exaggerated alarms, they had made that and the other Houfe of Parliament vehicles for circulating ftories of imaginary plots, and vifionary treafons, by which the country was placed in a fituation, where no individual was fafe in his perfon or property, though there was neither proof nor probability that any fuch had exifted. He then concluded by imploring the Houfe to give due confideration to the importance of their decifion that night, and affured them, that by taking the firft opportunity to bring about peace and tranquillity, they would be amply repaid by the many and important bleffings which its effects would produce to all ranks and defcriptions of fociety. His Lordfhip then moved, That after the third claufe in the Addrefs, the following amendment be adopted:

"To ftate to His Majefty the determination of this Houfe, to "fupport His Majefty in the meafure neceffary to maintain the "honour and independence of the Crown, and to provide for the

"defence and safety of the nation; but at the same time to advise "His Majesty to take the earliest means of concluding a peace with "the French nation, on such terms as it may be reasonable and "prudent to insist on—That whenever such terms can be obtain-"ed, we trust that no obstacle to the acceptance of them will arise "from any consideration respecting the forms and nature of the Go-"vernment which may prevail in France."

Lord MORETON expressed himself exceedingly hurt at the idea of this country stooping to sue its enemies for peace. He spurned at their Lordships acquiescing in any proposal so humiliating to the spirit and pride of Englishmen. His Lordship asserted they were not to be thus debased, and that no measure could be more degrading. It was not in his opinion yet come to such a crisis, as to induce their Lordships in this manner to crouch to a people the most unprincipled and the least to be confided in upon earth. He reminded their Lordships that all our efforts had not been unsuccessful; that our resources were still great and respectable; that the cause of the war continued to be still what ever it was, both just, necessary, and in some degree indispensable; that the country were still willing to prosecute the enterprize in which they had originally engaged with so much promptitude and alacrity, and that above all, we had such objects in view, as in the mind of every honest and thinking person in the community, were competent to sanction all their efforts in bringing this important conflict to a desirable conclusion.

The Earl of KINNOUL said he had yet heard nothing against the Address, or the further prosecution of the war, but assertions perfectly unfounded. The very same reasons which influenced his Lordship to vote for a similar measure last year, recurred to his mind with redoubled force on this. Religion, the laws, and the efficiency and existence of well-regulated Government, and all the solid and fundamental principles and considerations connected with them, were no more to be abandoned now, than they were then. The support of these objects, he trusted, was full as much and earnestly at heart, by the great body of people in this country as ever, and no one had yet ventured to propose with whom there was the least possibility of treating on grounds either honourable or secure. He therefore begged to see the practicability of what the amendment stated fairly made out, and till it was, should be for continuing the war, as the only likely means of bringing the enemy to terms. His Lordship was persuaded, the sources of war in France, must be by this time nearly exhausted; it was inconceivable that those could long exist, or that any resources could be equal

to ſuch an expenditure as muſt be the conſequence of the extraordinary ſituation of that unhappy country. He was aware of the uſual miſeries attendant on war, and regretted them ſincerely, as all their Lordſhips undoubtedly did; but theſe were unavoidable evils, and it became thoſe neceſſarily and juſtly ſtruggling under them, to bear their ſhare of them with due fortitude and reſolution. And on this principle, he would not think ſo meanly of his countrymen, as to ſuppoſe they would not chearfully accord with any additional burden which ſo honourable a conflict as they were again called to ſupport, would unavoidably occaſion. He congratulated their Lordſhips on the very auſpicious circumſtance of the nuptials that were ſoon to take place between his Royal Highneſs and the illuſtrious Princeſs Caroline of Brunſwick, and knew their Lordſhips indulged the ſame ſentiments he felt on this acceſſion to the happineſs of the family on the Throne, under whoſe mild and paternal government theſe nations enjoyed ſo many ineſtimable bleſſings. He was anxious for unanimity in carrying on meaſures, in his apprehenſion, ſo very eſſential to the welfare and credit of the nation, and which the peculiar circumſtances in which we were now involved, rendered now altogether unavoidable. He would on theſe grounds ſupport the Addreſs, and hoped it would meet with the general approbation of the Public both within and without doors.

The Earl of DERBY ſaid, that were he diſpoſed to conſider the queſtion before their Lordſhips as perfectly new, and as perfectly unattainable in all its points, the manner in which it had been brought forward was directly calculated to impreſs that view of it on his mind. What was the oſtenſible cauſe of the war laſt year?—The ſafety of the Dutch, and to prevent the navigation of the Scheldt. Of neither did the Speech of this year take the leaſt notice. Every thing originally in view ſeemed now perfectly relinquiſhed; but the ſingle proſecution of a war, which his Lordſhip never had acquieſced in, and which was the more to be deplored the longer it continued. The noble mover of the Addreſs had obſerved, that if the Dutch effected their object of a peace, our army now in Holland "might be let looſe, to be employed on more important ſervices." This, Lord Derby ſaid, was language as ſurpriſing as new to him; as, from the commencement of the war till the preſent hour, the preſervation of Holland had, from that ſide of the Houſe, been uniformly repreſented as the moſt important ſervice on which our troops could be employed; and without that was maintained, this country would be in the utmoſt danger; but leaving, on this point, Miniſters to their uſual inconſiſtency, was the recall of thoſe troops ſo practicable a meaſure? It was, perhaps,

unfair to suspect any nation of so flagrant a violation of public faith; but did not the general conduct of our allies warrant some feelings of this sort? Nay, was not the King's speech (unless Ministers told us it was with their consent) a proof that Holland, by uniting with France, had broke her faith with this country? This might go farther, and the sacrifice of our brave troops now in that country might be made the price of peace. He derided the idea that the French would be compelled to treat from the state of their finances, and desired to know of their Lordships upon what facts they entertained this opinion? He denied the Public were in possession of a single document that would warrant such a conclusion. He requested the state of the opposite armies might be inspected and compared. He had talked with many officers distinguished for their honour and respectability in their profession, and all of them agreed in asserting the superior manner in which the enemy had been found prepared and equipped for action. But still the noble mover asserted, that France was exhausted, and could not stand another campaign: this was the fatal language which, last year, induced the country to go on with the war. Recollecting this circumstance, it was natural at least to pause, before we once more were deluded by it to our own destruction. On what grounds did this assertion of French weakness now rest? On the mere ipse dixit of the noble Lord. Could it be traced in the evacuation of Flanders; in the victories in Spain; in the captures of Maestreicht and Nimeguen; or, above all, in the letter which was published so lately from the illustrious Prince who then commanded our army? This letter gave the lie most directly to any idea of this sort; for, in the most emphatical language, it shewed both the numbers and enthusiastic ardour of this exhausted nation. Here the noble Lord stated part of the Duke of York's letter, and concluded this head of his speech by some just compliments to the humanity, conduct, and attention of his Royal Highness to the troops under his command. His Lordship next adverted to that part of the Speech, which announces His Majesty's intention of making an effectual augmentation of his forces against the next campaign: he observed, that, from the *actual* state of Holland, and the *too probable* one of Spain, who, though no mention of her was made in the Speech, must likewise be inclined to a separate peace, France would be able to bring the forces hitherto employed in those countries, to the contest with us; in which case, the augmentation to the troops might be necessary and proper; but was it, he asked, practicable? A noble Lord (Camden) had boasted, that we had at present the largest army ever raised in this kingdom, and that the greatest part of it could be employed

in any quarter of the globe. If the first part of this assertion was founded in fact, his Lordship observed, that the natural inference to be drawn from it was, a most serious reflection upon the difficulty attending any farther augmentation. It was well known that the country was drained of men, to such a degree, that many of the new corps consisted chiefly of old men, nearly past *all* service, and children, who, unless the war continued some years, could be of *no sort of service*; that even for such stuff as this, it was well known, twenty and twenty-five guineas had been given; should the recruiting go on, a much greater price, possibly double, would be expected. By this enormous bounty, men *might* be tempted to leave their looms, and other occupations of industrious labour; but was this to be wished for? Would not the loss of the manufacturer and mechanic be most severely felt, in the decrease of that trade and commerce, which alone enabled us to contend with all the dangers and difficulties which surrounded us? Of the other part of Lord Camden's proposition, unless he would say he spoke from official documents, Lord Derby was inclined very strongly to doubt the accuracy; and fancied that, if the inquiry was made, it would turn out, that a great majority of our present force consisted in the militia, in the corps of fencibles, and yeomanry, both cavalry and infantry; *many* of whom could not serve out of this island, and the *remainder* only in Ireland, Guernsey, Jersey, or their dependencies. But the most alarming part of the business was, what he had heard from the best authority; and which, if false, he should be happy to hear contradicted by the noble Lord who had lately taken his seat at the head of the Admiralty; namely, the difficulty of getting landsmen for the navy service; for, whilst so great sums were given for the *army*, it was not to be supposed men would, for comparatively nothing, enrol themselves in this *other service*, so essential to the safety and honour of the country: in former wars, this was not the case; landsmen were always found; but now, he found it was otherwise; and this too happened at a moment, when, if report said true, the French fleet, which was supposed almost annihilated, by the glorious success of Earl Howe, was blocking up the chops of the Channel, and intercepting both our outward and homeward-bound trade. Here his Lordship adverted to the capture of Corsica. He deplored the expence and inconvenience it would bring upon the country, and denied it would answer any of the purposes held out; and though its local situation might render it capable of some advantages mentioned, their Lordships would bear in mind the peculiar circumstances under which we acquired it. Who would say what the force detained for that purpose might not have done in another

quarter, or how profitably they might have been occupied in the West Indies? He believed few of their Lordships would, at this moment, vouch for the safety of our islands in these parts, as it was pretty generally understood an armament of the enemy was probably there before this time, of a force much superior to ours. He conceived Corsica would not indemnify the additional expence it would inevitably create to the country. Nor did he apprehend this could be any object to the Ministers in planning or accepting of its seizure. There were many individuals to provide for, and the sinecures they would enjoy as officers in the new kingdom, he suspected would look for their pay from the old. And the greatest use to which this boasted territory could be applied, was to afford Ministers an apology for increasing their dependants, and extending that patronage which was already so enormous and so abused. But it was asked, by a noble Lord, would you crouch for peace, and make, by so doing, to all the world, a humiliating confession of weakness? To this he would answer, that nothing of this sort could be imputed to the present amendment; and that neither he, nor any of those with whom he had the honour to act, had ever thought of a peace, but upon terms of safety, advantage, and honour to the country. Should the nation at last see this business in the light he did, it would be an easy matter for them to obviate the other objection, by desiring His Majesty to place his confidence in those men who had opposed this ruinous war, at its commencement, and in every subsequent stage of the business; and also, consequently, could not be said to make any such confession of weakness; whilst they proposed a peace, which was *always* the first wish of their hearts. All these things disposed him to accede to the amendment. He deprecated the interference of party motives, in what he declared, before God and their Lordships, to be the real sentiments of his heart. He had not another wish than for the welfare of his country. This might sometimes inspire him with warmth, but he hoped never to address their Lordships but in the language of a gentleman, and the respect which he knew to be their due. He very cordially acceded to all that had been said by the noble Lords who had spoken before him, concerning the negociation of a domestic nature, so consonant, he well knew, to all their Lordships' feelings, as well as his own. He would always feel happy in whatever augmented the happiness of the Royal personages alluded to, and he should never fail in being forward to realize that sentiment whenever occasion offered. Having thus expressed his sentiments of what the Speech contained, he would now congratulate the country upon what was, for the first time, left out of it; namely, a rumour of plots, which had no ex-

istence; and an excitement to alarm, for which there was no foundation: to all reports of this sort, the decision of an English jury had put, he hoped, a complete end; as much to their own honour, as, he thought it, to the safety and happiness of their country. He concluded, by giving his voice for the amendment, and signified his most ardent desire that the war might not be pursued any longer, and that Ministers would pause on the present situation; retract the erroneous principles they had hitherto supported; and by treading back the steps of error, make the only atonement in their power to an injured country.

Earl SPENCER agreed with the noble Lord in many of his leading positions, but though he acquiesced in his premises, doubted their conclusions would be very different. He admitted the extraordinary resources of the enemy, but inferred from that fact, the necessity of our uniting our best endeavours against them. The efforts of France were of such an uncertain nature, that they must be shortly exhausted. That they had made astonishing exertions in the course of the last campaign, he thought could not be denied, but it was only another reason for our further assiduity. They undoubtedly seemed averse as much as possible to peace, but our unanimity in carrying on the war was the likeliest means, in his mind, to produce a change in their opinion. He felt himself in very awkward circumstances as standing officially before their Lordships. Such explanations, however, as were expected of him in that capacity, notwithstanding the shortness of the time he had been in it, he would endeavour to give. He could not refuse the truth of a remark which fell from a noble Lord who had just spoken, that the eagerness in providing men for the army sensibly affected the sea service. But he presumed the wisdom of the country, and those who had the regulation of the business, would effectually surmount that difficulty. He was satisfied in his own mind that the rumours of the French superiority in the West Indies were premature, and had not a doubt but our force by this time, was superior to theirs. The report of their fleet possessing in so formidable a manner the channel, came before the Public rather in a questionable shape. It was however attended with such circumstances, as had influenced His Majesty's Ministers to adopt some steps in consequence, which he hoped their Lordships could not think improper. As to Corsica, he considered it, and so must every judicious man, as a very great acquisition to this country. If it were not so, France would not be so eager to have it again in their possession; it was of great importance to us, in a naval point of view. He acknowledged himself but little accustomed to speak in public, and begged any defects

of that kind might be excufed. He had at the fame time fpoken what he thought now, and always thought on the fubject, very honeftly. It was a time, in his opinion, in which every man ought to fpeak out, and fairly avow his fentiments. The noble Lord who fpoke before him had held this language, and he thought himfelf equally entitled to ufe it, though their notions on the prefent queftion were very different. He had only to affure their Lordfhips, that nothing fhould be wanting on his part to render the Englifh navy refpectable. The country, he certainly thought, were in poffeffion of the means, and he would endeavour to do his duty in making the beft ufe of them he could.

Marquis TOWNSHEND rofe and alledged, that the mode of raifing both the fencibles and militia muft be detrimental, as well to the army as the navy, and regretted this inconvenience could not be prevented.—He had long wifhed fome means were adopted for encouraging the Marines. They were an ufeful body of men, and it was lamentable they had not been increafed. He did not fee how, as matters were now circumftanced, the war could be relinquifhed. He was therefore with the Addrefs, and againft the amendment.

Lord BORINGDON faid, that Parliament being affembled in the prefent extraordinary fituation of public affairs, for the purpofe of collecting the deliberative wifdom of the country, and not for the ends of private intereft or private ambition, that he doubted not that every noble Lord who addreffed their Lordfhips on that night, would come forward with the zeal of undifguifed fentiments of his heart, and the doing fo, he faid, was a fufficient excufe for trefpaffing on the time and indulgence of the Houfe.—He faid, it was impoffible not to congratulate their Lordfhips on the confidence and patience with which the country had awaited the deliberations and decifions of its Parliament, and obferved that hiftory did not prefent to us a period where the wifdom and dignity of the Englifh character were ever more confpicuous, or when there was a more general fpirit of independance among every clafs of inhabitants.—He alluded to the patriotic principles on which the Eaft India Company had lately come forward, and praifed in the higheft terms the high and proper fpirit of the nation at large. He faid he only rejoiced in this circumftance from its tending infaillibly to prove that if our enemies were influenced by unbounded pride, and indulged themfelves in the expectations of any immoderate aggrandizement, that we were determined to humble that pride, and to difappoint thofe expectations: he faid, he, for one, fhould be far from exulting in the prefent temper of the country, if he conceived that it, in

any way, led to a contumacious determination to difcard every idea of peace. It went indeed to inftigate us to carry on the war with unabated energy and additional vigour, until fuch time as Parliament fhould think that a peace might be concluded with fecurity; but it certainly went no farther. His Lordfhip faid he fhould vote for the addrefs, through conviction that the warm and refpectful affurances which were offered in it to His Majefty, were of all others the means beft calculated, not to acquire a fhort moment of difgraceful inactivity, but to acquire a juft, folid, fecure, and honourable peace. He faid no one in the country was more defirous than he was for the fpeedy attainment of that bleffing, and faid that nothing but a real belief that the adoption of vigorous meafures at prefent was calculated to fecure it, could poffibly induce him to give them his fupport. As he had expreffed his wifhes for the return of peace, he faid he could not help adding the hopes which he was led to entertain that no great length of time would elapfe before fome fort of fecurity might be given to our negociations. He faid thofe hopes were, in great meafure, founded on the deftruction of the horrid, and hitherto unpractifed fyftem of terror which had fo long tyrannifed over France; and from thofe principles of returning reafon and moderation which fo fortunately for mankind had, for feveral months, appeared to influence the French Government. He faid, however, that the language againft this country ftill made ufe of in the Convention was unqueftionably very violent, but trufted that ere long, fomewhat of that violence would abate. He faid, in his opinion, this was of very material importance, for that he for one perfectly approved of the truth and wifdom with which the noble Secretary of State (Lord Grenville) had laft feffion made known the end of the war—when he faid that it was to extinguifh the means, or, if that was impoffible, to diminifh the inclination, to hoftility. He concluded by expreffing the confidence he had in His Majefty's Minifters, and his hopes that they would endeavour to promote the good of their country, and meet the wifhes of the public. He fupplicated the Houfe to be moderate and unanimous; and faid that that line of conduct was, in his opinion, calculated above all others, to lower any fuppofed expectations of aggrandizement on the part of France.

The Marquis of LANSDOWNE was much concerned to find the dangers he foretold had come to pafs. It was fome fatisfaction to him to reflect that he had done his duty, and that he could with confidence refer to his proteft in 1793, and to his motion in 1794, (vide Debrett's Parliamentary Regifter, vol. XXXIX. page 93), both on their Lordfhips' records. The tafk was a painful one, nor

was it a little irkſome, particularly to him, who had, for a courſe of above thirty years, experienced ſuch indulgence from the Houſe, to find every thing he could ſay during the two entire laſt ſeſſions, not only diſregarded, but the moſt abſurd and worſt of motives attributed to himſelf and the noble Lords who voted with him, becauſe they forewarned their Lordſhips of the inevitable conſequences of the meaſures they were about to purſue.—The evil day was now arrived—Miniſters, however, ſeemed ſtill determined to perſevere. He truſted that, in this ſituation, their Lordſhips would inſiſt on ſomething more than the mere declamations of laſt ſeſſion, that they would know the true ground upon which things ſtood, and on whoſe ſide the balance reſts, ſo far as the war has gone;—what our comparative means are—what objects we have in view—what dependence we can have on our numerous allies—and what they can have on us. Was there a proſpect of military ſucceſs? The anſwer to this great firſt queſtion was, that we had raiſed the greateſt army that ever this country produced in any war. If this was true, what a libel upon Miniſters. What became of theſe armies? They were to be ſeen no where; they were gone to God, and were no longer to be ſeen among men. They had been ſquandered, ſent here and there without plan, without co-operation or principle, and were at this moment almoſt extinguiſhed. Look at every corner of the earth where our arms were to be found, and ſee the ſituation in which we were left. In the Weſt Indies the ſituation was too melancholy for the heart to reflect on it. Aſk the Weſt India merchants how many troops have been aſſigned to the defence of the iſland of Guadaloupe; make the ſame inquiry with regard to all our other iſlands.—It will be found that all have been riſked to make conqueſts of others; and that theſe conqueſts, as ſoon as made, have been neglected, ſo as to be upon the point of falling back into the hands of the Republicans, under every circumſtance of horror. Guadaloupe he looked upon the ſame as gone: the two great officers by whoſe unparalleled efforts we had been ſo ſucceſsful, were in themſelves hoſts; but abandoned as they had been, it was impoſſible for them to do every thing. The mortality natural to the climate ought to have been foreſeen; and though it undoubtedly had been greater than in common ſeaſons, yet there was no apology for the utter neglect in which thoſe iſlands and thoſe brave men had been left. If they were ſaved at all, they muſt be ſaved by the ſame neglect on the part of France. But we were told by the noble Earl, that probably we were by this time ſuperior at ſea. He was glad to hear this ſtated to their Lordſhips. But ſurely this was not of itſelf ſufficient, for ſhips were not of

themselves sufficient for the maintenance of the islands. But it was not here only that there had been neglect; even Corsica, the favourite child of Ministers, had been equally abandoned, and was at this moment in a perilous situation. Though hundreds of thousands of men, (take Great Britain and Ireland together, it is a literal fact), had been raised and sent about here and there, we had been effective no where.—Our officers were children, our grenadiers invalids. We had an enormous army without force, and which melted away and became crippled, through the miserable principle upon which it was raised. On every side we saw boys in uniform, who had just quitted their Ovid's Metamorphosis, and were themselves astonished at being metamorphosed into Captains and Colonels. Comparisons it was said were odious; but common sense required that they should compare the figure that we had made in the last campaign with that which the French Republic had made. He held in his hand a summary of the last campaign of the French; he would read it, because it was very short, and could not fail of producing its proper effect on their Lordships. It was as follows:

ABSTRACT of the OPERATIONS of the FRENCH ARMIES, in the Campaign of 1794.

Twenty-three sieges successfully conducted.

Six pitched battles decisively won.

Two thousand eight hundred and three pieces of cannon taken.

Sixty thousand of the best troops of Europe, compelled to surrender prisoners of war, either by capitulation or in the field.

One hundred and forty-four towns and cities captured, among them many of the strongest fortresses in Europe.

The authenticity of this statement would be vindicated by the most scrupulous examination of facts, and the names of the places taken, might be ascertained by a reference to the maps, which exhibit the different theatres of the war. And these were independent of the late victories in Spain;—in Spain, which at this moment lay almost completely at their mercy. It was well known, that there were but four founderies of cannon in Spain, two of which were in the hands of the French.—One near Pampeluna had probably also fallen; and at this moment there was but one fortified town remaining in the hands of the Spanish Monarch. If the French had been so strong and terrible when they had to combat with all the world, would they be less so, when they shall have made a treaty with Holland, by which they would, under the aspect of neutrality, receive all manner of supplies through her active commercial spirit? Would they be less formidable, when Spain should be obliged to yield to them upon any conditions they should be pleased to dictate?

He was afraid to look at the conditions they might impose; it was a subject better suited for meditation than for discussion in that House. Would they be less formidable when they shall have over-run Italy, a country enfeebled by the debasing consequences of a profligate government, and rendered totally incapable of defending itself? Would they be less likely to make head against us by the wonders they had performed on the banks of the Rhine, wonders which were enough to make one man two? Surely when noble Lords seriously entered into the consideration of the comparative situation of the two countries, it was monstrous to hear it asserted that we could hope to subdue them by military force. The news brought that day was an additional argument against any such idea; the frost was set in so as in all likelihood to make the Waal passable: the bridge at Arnheim had been carried away by the floating ice, so as to expose our cavalry to the utmost hazard. Under such circumstances it was not very likely that the negociation with Holland would go off, and this calamity, which His Majesty so feelingly deplored in his speech, was to be added to all the other disasters of the campaign. It was only necessary to look a little farther, and in the Diet of the Empire they might see that a great majority was for negociating with France. The Elector of Hanover, left in a feeble minority, was distinguished for nothing but his violence in the system of war. Was it likely, that after the sense of Germany had been so expressed, that they should be roused to exert themselves; that they should rise in a mass to resist the torrent; or that they should cordially co-operate against the enemy? Had we been more successful in negociating with our allies? Had we succeeded in uniting Prussia and Austria? Those two powers, it was well known, could not trust each other: Prussia never had been in truth the enemy of France, and he could not be so. Those powers, mutually and necessarily rivals, looked only to their private interests; and who could blame them? They regarded their own country with becoming feelings; they were not their own enemies; they had not a Parliament to stand between them and the people, and therefore their Ministers were more careful of the advice which they gave to their masters, as the consequences must fall on their own heads. With these sentiments, it was not to be wondered that, however they had been brought to commence the unnatural league, they had never been serious friends in the contest, and indeed it would not be difficult to prove, that Prussia, as he had no support but from France against the power of his rival, had never seriously been the enemy of France, the dismemberment of which would have been fatal to himself. The third light in which this

political queſtion was to be conſidered, was the compariſon of reſources. To be ſure it was pleaſant to hear of 24 millions being raiſed in a morning. He did not mean to cry down credit; it was a ſyſtem calculated in its nature to do wonders while it laſted. A great merchant of 30,000 pounds capital, could have more credit than a nobleman of an hereditary fortune. He might circulate his paper for five or ſix hundred thouſand pounds, but there are many examples, and too many of the fatal conſequences:—the fact is, that both public and private credit have a certain limit. He would not enter into the diſcuſſion of the wild theories about the nature of credit by which they ſtrove to delude themſelves; they had originated in France under its old ſyſtem, and yet France had not been ſaved. The truth was, we might go on in the ſame blind path without perceiving our danger, until we fell into the abyſs to which it led. And what were the objections to treating with the French for peace? The firſt was too contemptible for a ſerious anſwer, With whom could we treat in France? It was a queſtion unworthy even of a German Diet. We certainly could find perſons to treat with, if we had a diſpoſition to ſeek them. France, with all its changes of parties, and, in the midſt of its moſt violent commotions, had not falſified its engagements ſince the Revolution, with any one foreign State. The next reaſon was—What! ſhould we give up our invaluable conqueſts? As to thoſe invaluable conqueſts, one part of them, thoſe in the Weſt Indies, were likely not to ſtand in our way——The poſſeſſion even of Martinique cannot be depended on. As to Corſica, our other great and invaluable conqueſt, he would ſtate to their Lordſhips the account which M. Neckar had given of that rich iſland; he would alſo read the account which another perſon of great eminence had given of it, though, alas! he was a Democrat: it was juſt poſſible, however, for a Democrat to be a man of ſenſe and integrity. The perſon that he alluded to was the celebrated M. Volney.

M Neckar's account of Corſica is—

That it contains 450 ſquare leagues—124,000 ſouls—550,000 livres was the whole of the revenue—and 250,000 ducats were paid by the King, excluſive of troops and military expences, in addition to its own revenue.

M. Volney's account was ſtill more curious.—

It was quite in a ſavage ſtate. The power in the hands of poor, greedy, ignorant heads of families. A ſyſtem of myſtery concerted between them and the French employed there, to conceal and miſrepreſent every thing, leſt the French ſhould be diſguſted, and abandon the poſſeſſion. The French expenditure, independent of extraordinaries, was above ten times the revenue, which do not amount to 300,000

livres, which were three years in arrear, and diminifhed a third by the Council in 1790. The Cuftom-houfe does not do more than pay the officers. There were two Attorney Generals—Two Director Generals —Not one bookfeller—Not a printing-prefs, except one belonging to Government. The communications with the Continent were fo fubject to interruption, as to prevent any for two months together.—Voters attend the elections with fwords, piftols, ftilettos, &c.

The next thing he was afraid their Lordfhips would not comprehend.

Votes are fold, and the price is afcertained like merchandize.

Their Lordfhips would be ftill lefs able to comprehend what follows.

Their Affembly of 400 perfons was led by eight or ten Chiefs, who form between themfelves Ariftocratic Leagues, who give and take reciprocally penfions and places, quarrel and make it up—*Avec un mobilité & inconftance incroyable*—But the liberty of the many, and French money, pays the expence of the whole.

There was no induftry—not fo much as a match to light a fire, which is not brought from Genoa or Leghorn. The country uninhabitable for want of fafety. The farmers go to plough armed. The culture facrificed to beafts. A decided preference for France; but fo incalculable is the Corfican nation, arrange every thing to-day, you will in a fhort moment find all that you have done amounts to nothing more than paying a military force, which will never be complete, will coft immenfely without ever going out of the ifland, and will ceafe to be labourers, without ever becoming foldiers.

Such was the invaluable ifland of Corfica. If it had not been for this idle enterprife we might have had the fineft fleet that this country ever faw; we might have protected our commerce, guarded our coafts, given confidence to induftry, and inftead of the abominable attempt to ftarve the French by intercepting their corn, we might have done what was confiftent with legitimate war, intercepted their naval ftores, we might have faved the effufion of much human blood. But then, undoubtedly, we fhould not have been able to have added half a dozen finecures to the influence of the Crown, to be parcelled out among the men who were alarmed for the exiftence of the Conftitution. He ridiculed the idea of debafing ourfelves by the offer of peace, nothing could be more extravagant. If two countries were difpofed to treat, they might come together without fubmiffions on either part. Did any body think that France lowered itfelf, when the Duke of Choifeuil fent here Monf. de Buffy to treat, or that we lowered ourfelves when we propofed to treat afterwards through the Sardinian Minifter?—Or, what is ftill more in point, when we fent repeatedly to treat with the Americans?—Or, did the Marquis de Vergennes lower his country when

he sent Monf. de Reyneval to propose the last peace? There still, however, remained in the minds of many, another difficulty;—it was supposed that France would not treat with the present Ministers: he did not believe the fact; other men might perhaps obtain somewhat better terms, and probably with more cordiality; but the great measure of peace was what was wanting, the more or the less was comparatively not an object. All that Ministers have to do is, to confess their error, to acknowledge that they have misjudged the interest, the power, and the disposition of both countries; or let them do the same as they have done, much to their honour, with the United States. However warranted he might personally be by what passed last year, he did not wish to contrast their language and conduct regarding America then, with what they have very wisely done. He was happy to find them acknowledge the policy of the boundary which they so strongly arraigned, acknowledged by their ample confirmation of it, and to find farther concessions added, which he only lamented, for the honour of this country, had not taken place ten years ago. Nobody could think the worse of them for doing at last what was right towards our American brethren. "I have no personal feelings on the subject. I am not a man who would force himself upon any Prince as a Minister against his will: It is inconsistent with the decency of a gentleman so to obtrude himself, and therefore I am personally out of the question when I give this opinion."—The noble Marquis also said, that it perhaps would be one of the wisest reforms that could be introduced into our Constitution, to make our Ministers Ministers for life, provided that at the same time, they should be subject to the same exemplary punishment for every mischievous advice they gave to their Sovereign; one example would be worth twenty changes. At least it would be better than the present loose and unprofitable system of one set of men turning out another, and where, amidst all their changes, the same inconsiderate measures were uniformly adopted by all. The noble Marquis concluded by giving his hearty approbation of the amendment.

Lord MULGRAVE adverted to former wars with France, and comparing the situations, drew very convincing deductions, that the present contest was very far from being hopeless. He spoke of the amazing difference made by one victory in a campaign, and argued, from the exhausted state of France, the necessity of vigorous exertions. To confirm his argument, he entered into a history of the wars of Louis XIV. in which he described the different checks that Prince experienced. Though we had been hitherto unfortunate, he had no doubt ultimately of success. He did not yet despair of

seeing another Blenheim. To follow the example of Holland in negociating a peace, would be ruinous and disgraceful. We should consider what we owed to our posterity. If once, said his Lordship, we suffer cruelty and Republican principles to be introduced among us, it is impossible to say what will become of us. There would be an end of that free and moderate liberty, which gives dignity and energy to the mind. The noble Lord then took notice of what had fallen from Lord Lansdowne respecting Corsica. He had entertained the House with one part of what M. Volney had said of it; but he could not help thinking, that something must be left untold of its advantages, or what could have induced the French to have spent so much blood and treasure to keep possession of it. He did not expect that our national treasury would reap any pecuniary advantage from it; but was that a reason why Corsica was not a valuable possession? Was Gibraltar a settlement of revenue? and yet such was its political importance, that in all the negociations we have had, and often when a considerable exchange has been proposed for it, no Minister in this country ever dared to offer to bargain it away. He concluded by giving his hearty assent to the Address.

Earl STANHOPE said, I do not rise for the purpose of debating, for the time of debating is no more. Events speak for themselves, and the disasters of this accursed war are the best answers to those who dare defend it. The noble Lord, says he, does not despair of seeing another Blenheim: he did not despair either of keeping Toulon—did he keep it? It is curious, said the noble Earl, to hear the doctrines of those who support this war—You are told, in answer to all ideas of reform, that no country can exist where there is any thing like universal suffrage, yet here His Majesty accepts a Crown, not only upon the election of the people, but where universal suffrage of the people is authorised and recognized; there no country can exist without two Houses of Parliament. Yet here His Majesty has agreed, that there should be but one House. Nor was this all.—We were told that no country could exist, where the State was not intimately united with the church. What would the Reverend Bishops say, when they heard that His Majesty had agreed, that in Corsica, Church and King had nothing to do with one another, that he had properly nothing to do with their religion, and that he had not and ought not to have any occasion for a Bench of Bishops. The Corsicans are constantly armed; such, however, was not the case in this country, for here the people in general have not arms put in their hands, but only such as are affected to Ministry; delusion, however, he trusted, was vanishing away; an honest jury had acquitted those gentlemen whom Ministry had thought pro-

per to accuse of treason, and this he hoped would ever be the case. He had expected before the debate had gone to the length it had, that some one in Administration would have advanced some reason for a continuance of the war; but only one had come forward, and he had been so short a time in his situation (Lord Spencer) that he knew nothing of their affairs. With the rest, mum and silence was the order of the day. The French he did not believe were enemies to the people of this country, but to the Administration who govern. The time was perhaps approaching, when a friend of liberty would do better to preserve an eternal silence within these walls. If this should be the case with me, let it not be thought that I shall have altered any of those opinions in which I have lived, and in which I will die; but I shall be silent, because I see my country at the brink of a precipice, down which those wicked men, the King's Ministers, are ready to precipitate it, and that my efforts may only tend to hasten its fall.

The Marquis TOWNSHEND, in reply to the allusion of the last noble Speaker, with respect to arming the country, stated what he knew to be the dispositions of the yeomanry, whom he had found to be ready, whenever the voice of the nation should demand their aid, or the exigence of affairs was such as to render their services necessary.

The Earl of MANSFIELD argued for the wisdom of persevering in the war. He considered the present war as different, in its nature and object, from any other ever known or heard of; it was not to revenge an injury that might have been forgiven; it was not a war for territory that had been invaded, and which could be relinquished without danger; no, upon its final issue depended the existence of order in civilized society. The declaration of France was a matter of public notoriety; they meant, as far as their power extended, to involve in their anarchy all the nations of the world. He was astonished to hear a noble Lord talk of the nonsense of stability. What permanency could have been expected from a peace established with the ruling faction of Brissot? When they fell, they heard a great deal of the permanency of Roberspierre; but it was well known that his tyranny carried with it the seeds of that destruction which has been since completely accomplished. Can any one who reads the present debates of France, but be convinced of their instability; or can it be reasonably expected that any negociation with the present rulers of France should have a prosperous issue? A noble Marquis had advised Ministers to retract the error they lay under, in thinking ill of the French rulers, and prescribed terms of concession which could only be ludicrously applied. Regarded in a

ferious point of view, the prefent rulers of France could only excite fentiments of horror and averfion; their views of aggrandizement were abfolutely incompatible with the balance of power, a matter of juft confideration with all profound politicians. The natural boundaries of their country, the Alps and Pyrennees, they had defpifed as limits to their greatnefs; and nothing fhould induce us to negociate with them, poffeffed as they are of the proper dominions of three or four of the Electors and other powers, but a fatal and immediate neceffity, which certainly may warrant and muft call for a peace, however fhort-lived and uncertain in permanency. Such, however, he trufted was not at prefent the fituation of England. The noble Earl begged to call their Lordfhips' attention to the fituation of the two countries. In France, though we are dazzled with the fplendor of their victories, if we caft an eye on their interior fituation, we fhall find it covered with a thick fhade; their forced loan and extraordinary refources could not be repeated. Their expences for this year amounted to 144 millions fterling—a tolerable degree of expenditure for a fingle year. They have in circulation 240 millions fterling in affignats, together with forged affignats, to an immenfe amount. It was faid that affignats had been at par. Yes, during the tyranny of Roberfpierre, when terror was the order of the day; when they were "ftamped with death," and nobody would refufe to take them at any rate, under the terrors of the guillotine. They cannot now fupport the maximum, the moft tyrannical and baneful law that ever was paffed. The French were now in great want of corn and naval ftores; fhould we now negociate and eftablifh a temporary peace, and no other could be expected from the prefent ruling faction, they would have fufficient time to fupply all their wants; whereas, if we prefs them vigoroufly, all their wants muft increafe. When the project of univerfal liberty was propofed, Briffot faid, that tears of blood muft flow from the patriots, fince liberty was not immediately to be communicated to all the world, but muft be for a while confined to France. If theirs be the liberty which all nations are promifed, or rather with which they are threatened, the noble Earl advifed the moft decifive and vigorous profecution of the war. Even if this country were to negociate in the prefent moment, ftill we muft continue armed, and thereby forfeit all the advantages of peace. It was the great imputation againft Englifhmen, amidft all their virtues, that they had not the qualities of perfeverance and fteadinefs. Our great deliverer had feverely to lament our want of thefe virtues. Our change of fyftem, in the prefent inftance, would be more fatal to the inte-

refts of England, and to human nature, than it was in the reign of King William, which Europe had not recovered to this day.

The Earl of LAUDERDALE faid, the prefent fituation of affairs muft occupy the mind of every man who has any feeling; our prefent calamities, the evacuation of Toulon, the retreat from Dunkirk; in fhort, the difgraceful feries of defeats that have taken place from the commencement of the war to this day, would, if he had no fenfe of his duty to his country, have induced him to come to that Houfe as a matter of curiofity, to hear what the noble Earl who moved the Addrefs could fay in favour of the very extraordinary meafures recommended in the King's fpeech. After a campaign unparalleled for difafter and difcomfiture, in which not a fingle ray of good fortune intervened to difpel the gloom, he thought it really aftonifhing that Minifters fhould perfevere with fuch pernicious obftinacy, as to be bent upon encountering all the hazards of another, and that without confulting a fingle officer of experience and knowledge of circumftances. There was one paffage in the Addrefs, which, his Lordfhip obferved, had his hearty concurrence; that was the congratulation on the marriage of his Royal Highnefs the Prince of Wales. He was glad to find this intimation in the Speech, though it brought to his mind a remarkable contraft, in the fpeech from the Throne in 1761, in which the marriage with his prefent Majefty's moft auguft confort was announced. In this fpeech His Majefty intimated his concern that he could not give any immediate hopes of peace; yet at that time we were triumphant in every quarter of the globe: then was the great Lord Chatham, and his country, through his means, at the higheft pitch of glory. France was in a wretched ftate: now His Majefty not only is determined to purfue this deftructive war, but alfo is determined not even to negociate; and at the folemnization of the Heir Apparent's marriage, a deftructive war is to be continued at all events; heavy and extraordinary impofitions laid on the people, and the enemy active, powerful, and profperous. Were we not told laft year, that the enemy's refources were exhaufted; that it was impoffible they fhould continue under Roberfpierre's tyranny? The fyftem of Tyranny and Roberfpierre are changed to Tallien and Moderation; have they not ftill increafing refources, and are not the people more united? Minifters draw conclufions directly contrary to what muft be the natural refult. The fame argument of France being exhaufted, had been ufed laft year. The fyftem of Terror and the fyftem of Moderation were held out as unlikely to laft. We were told, What! would you make peace with France, in the moment when fhe is exhaufted? And in the very fame breath, they afk, Would you

crouch to France for peace, when you know that she is determined to persevere in the war? Surely one or the other of these arguments must be false. If she were really exhausted, she would be as eager for peace as ourselves. They accuse France of a desire to overwhelm all Europe, and to destroy every Government, and yet at the same moment they acknowledge that France is in treaty with more than one of the belligerent Powers, and that she has kept her faith inviolably with the neutral States. Let us, continued his Lordship, suppose France inclined to say that the allies had no resources— Prussia was to be subsidized last campaign, and even then did not act. What is the state of the Austrian finances? Austria could not raise a single sixpence. Thus might they with equal reason employ against us the very same mode of arguing, on which we lay so much stress, as applied to them. In short, Ministers have had recourse to every species of contradiction, to draw on their Lordships to the support of the Address. The noble Earl reviewed their conduct in every part of the campaign, and stood in astonishment at the monstrous ideas of persevering in a system so utterly inconsistent with common sense. Our domestic policy has been to contract the minds of the people, to institute a system of *espionage*, and to alarm them with plots and conspiracies, which do not exist, or if they do, by the verdict of an English jury they must be plots without conspirators. He animadverted with severity on the nursed-up sedition, with the hope of making it treason; and made a facetious reference to the story of Tom Jones and Partridge, with the decision of the King of the Gipsies, on the infamy of employing spies. His Lordship, alluding to Earl Spencer, quoted the proficiency of his Lordship in his new and high office, and hinted at insinuations, which it struck him escaped the noble Lord against certain officers in the naval service abroad. He said that in truth, with respect to the war, and to our not being able to treat with honour, they mistook ourselves for themselves, and made their own places an argument against giving peace to the country.

Earl SPENCER rose to explain, and feared he had rather spoke too decisively, the time considered wherein he had enjoyed his high situation. He disclaimed, however, any particle of insinuation against any officer whatever, and remarked, that when he was disposed to censure, he trusted insinuation never would be the means to which he should resort.

Lord GRENVILLE began by an eulogium on the blessings of peace, declaring that if any thing unjust or improper on his part, or on the part of those with whom he acted, was an obstruction to that desirable object, he should not lie on his pillow with ease.

His honeſt, his candid, his deliberate opinion on this ſubject, was founded on what he deemed requiſite to the honour, the glory, and the intereſt of this country. But, before he entered minutely on that ſubject, he felt himſelf happy in concurring with every noble Lord who had preceded him in the debate, on the ſubject of the Prince's marriage. There ſeemed to be but one mind on that occaſion, whatever differences there were, in reſpect to other parts of the Addreſs. Having paid a very handſome compliment to the Brunſwick family, and to the preſent proſpect of ſtill farther ſecuring to us the enjoyment of our Conſtitution, he ſaid, that their Lordſhips were now, in the moſt peculiar manner, called upon to ſupport that Conſtitution; and he took the liberty of requeſting the Houſe to turn its attention to the means by which this country was raiſed to its preſent ſtate of pre-eminence over all other nations. He then adverted to the arguments of the Earl of Lauderdale, and ſaid, he ſhould ſeriouſly demand of their Lordſhips, whether the moment of ill ſucceſs was a proper time to ſue for peace, for ſuch was the ſubſtance of the whimſical arguments of the noble Earl. Were we to beg of the enemy to ceaſe hoſtilities, when their ſituation was almoſt ſo deſperate as nearly to amount to a ſtate of deſpair? Theſe were not vague aſſertions, for he ſhould prove them to be founded in fact; and in doing ſo, he ſhould recur to the ſtate of France in Auguſt 1793, when the diſtreſs of that nation was ſo great, that they had aſſignats in circulation to the amount of 134 millions of Britiſh ſterling pounds, all of which were, by the dread of the guillotine, forced upon the people. This naturally raiſed the price of every article, and the aſſignats in conſequence loſt 75 per cent. In this ſituation a remedy was applied as deſperate as the diſeaſe. The people were forced, under pain of death, to take them at *par*; and, in order to add to the tyranny of the oppreſſion, it was accompanied by the law of the *maximum*; to enſure which, Revolutionary Committees were eſtabliſhed throughout the nation, the ſalaries to the individuals of which Committees amounted to the enormous ſum of 26 millions Britiſh ſterling. When noble Lords talked of the ſalaries and emoluments of perſons in office in this country, and drew compariſons between the Republican ſyſtem of France, and the mixed monarchical Government of England, it was but fair to requeſt they would turn their eyes to this circumſtance, and from ſuch eſtabliſhed premiſes draw the natural, juſt, and honeſt concluſion, and aſk which Conſtitution, that which exacted by violence, or that which was collected with the conſent of the people, was beſt calculated to ſecure happineſs and proſperity to a country? There was not any man who had attentively read the

debates of the National Convention, and the resolutions passed by the Committees, who did not shudder at a system so disgraceful to human nature—so directly opposite to all the principles of natural justice. It made a man almost ashamed of human nature. During the space of eight months, the Committees contrived to carry this system of terror into effect; but at length they were compelled to drop it. In November 1793, they found that they had assignats in circulation to the amount of 190 millions British money—this was a most enormous sum, and it increased down to the present time, so as to swell this paper currency to the still more enormous sum of 266 millions British sterling. To account for this was an easy matter; their great exertion cost them no less a sum than 160 millions British sterling, per annum. Were we, when so destructive a system was precipitating the enemy on to ruin, to crouch at the feet of these despotic Democrats? and, if they were in this situation last year, was it likely they would be better in the next? The system of terror obliged them to take assignats at *par* last campaign; the system of moderation has reduced them 75 per cent. *below par* at present; so that in either case the people must be sufferers, and the latter system does not, in any measure, relieve them from the pecuniary evils complained of in the former. Ninety thousand Revolutionary Committees distributed over the country put every thing into a state of requisition, and cut off all commerce; their manufactures were annihilated, and their retail trade at an end: was it in the nature of things that they could carry on a war much longer? This was his opinion, *ab origine*, of what their resources would end in, and he found it confirmed by the event. As to what had been said of our provoking the war, he denied it *in toto*, and he called to his aid in that denial, the votes of both Houses of Parliament, which substantially proved, that France was the aggressor. There was no flying in the face of this fact, unless the noble Lord who spoke last could erase it from the Journals of Parliament. The simple question at present, in his mind, was, whether this country would be in a better situation, by vigorously continuing the war, or pusillanimously suing for peace? What proof had we, that the enemy were disposed to terms of pacification, supposing we were, in the present juncture of affairs, mean enough to solicit them? Our humiliation would be great indeed if we asked, but our disgrace would be still greater if they refused it, and that they would do so we have every reason to believe, for it was the determined maxim of Brissot, of Roberspierre, of Tallien, of the directors of the system of terror, and the abettors of moderation, not to make peace with this country. They had but one sentiment,

they breathed but one language of hostility against Great Britain; and why did they so? Exactly as a noble Lord had stated, because Great Britain prevented them from making peace with Austria, Prussia, and Spain, that is, from trampling upon the Constitutions of those countries, and destroying all civil society in Europe. No wonder they therefore entertained a hatred against that kingdom, which, to its glory be it recorded, was the chief obstacle to those ambitious views. He besought the noble Lords to turn this idea in their minds, and, if they drew a comparison between Great Britain and France, they would instantly perceive the immense difference there was as to the situation of each, and the supreme happiness of the people of the one, when contrasted with the miseries of the other. These were not theories, or speculative arguments, they were founded in facts, and facts which proved, that their design of making peace with other powers was, that when they had disarmed the rest of Europe, they might come to the banks of the Thames, and endeavour to verify their favourite expression of destroying *the New Carthage*. We were to look to our situation at present not with timidity. It is true the enemy was in the present moment successful; but what had they taken from us, and what have we taken from them since the war commenced? We have become masters of all their possessions in the East Indies, and all their possessions in the West, one island in the latter only excepted, which they have partly re-captured, but which, from our superior force now in that quarter, it was most probable they would not long continue to hold. We have lost one ship of the line—they have lost twenty-six; so that, as far as respects us individually, we are in fact gainers, not losers, by the war. It is true that the crisis in which we were called to deliberate was a situation of difficulty and danger; he could not deny it; nor could we look with an indifferent eye on the loss of the Netherlands, nor was it to be supposed, that this country would give back with as much confidence, to an unprincipled Republic, as to a limited Monarchy, those islands we have taken from France. What would be the consequence of surrendering them to the National Convention? The revolted slaves contiguous to our islands would soon spread the infection of rebellion, and our own colonies would be put in the most imminent danger. There was one question he should put, exploded as it was, but in his opinion a most necessary one, "With whom were we to make peace?" At one time it was said with Brissot, at another with Le Brun, both of these had been held out as persons with whom we might safely treat, and had successively fallen by the hands of the executioners; and then we were told that the Com-

mittee of Public Safety were the party with whom we were to negociate, at the head of which Roberſpierre reigned—his tyranny did not laſt long, he ſhared the fate of the predeceſſors of his power, and the victims of his cruelty, and all the ſyſtem of terror was deſtroyed. The anſwer now to the queſtion is, "you are to treat with the Moderates;"—but what ſecurity have we that the ſyſtem of moderatiſm may not, like the ſyſtem of terror, give way to ſome new plan; and what ſecurity have we that a peace would be more permanent with Tallien than with Briſſot, Le Brun, or Roberſpierre—for every mob that was ſucceſsful would form a new Government, and under each it was apparent they were equally hoſtile to the glory and proſperity of this country. He inſiſted, that the time of the enemy's temporary ſucceſs was not the hour of making peace, eſpecially when we were convinced that no peace formed on ſuch circumſtances could promiſe any ſtability. It would be neceſſary, for our own ſecurity, to retain our military preparations in the ſame ſtate as at preſent, and thereby forfeit all the advantages which were propoſed from a ſyſtem of immediate pacification. Should we do otherwiſe, ſhould we diſband our armies and diſmantle our fleets, we ſhould only afford to the French a breathing ſpace, now that they were almoſt exhauſted; and what would our ſituation be when they ſhould again attack us with recruited reſources, and renewed vigour? In ſhort, till ſome Government ſhould be eſtabliſhed in France on which we could place reliance, it would be extremely impolitic to do away the very flouriſhing ſtate to which our army and navy had now arrived. It would be degrading indeed, if we were to bow down and beg for peace, and, if he might uſe the expreſſion, "eat the ſcraps and crumbs which fell from the tables of theſe proud anarchiſts." Were peace to be ſigned to-morrow, would any rational man, under the preſent exiſting circumſtances of this country, admit one Republican from France to diſſeminate his dangerous doctrines in this kingdom? Surely not. The noble Lord ſaid, he had treſpaſſed long on the patience of the Houſe, and ſhould detain them no longer than to give his decided negative to the amendment, and to mention it as his firm opinion, that we ought, in our preſent circumſtances, to follow up with vigour the generous exertions of war, in which the country was engaged; and he had no doubt that our efforts muſt be finally crowned with ſucceſs.

The Duke of LEEDS ſaid, that he felt himſelf about to enter on a moſt unpleaſant duty. It was now ſaid, that it was diſloyalty even to think of peace; yet peace, he would ſtill confeſs, was never out of his thoughts. He did not mean to ſuggeſt diſgraceful or

submissive terms, but to recommend such a peace as could fairly and honourably be made. He saw no end of the war, on the ground stated by Ministers; and, though he could not agree to the amendment, as proposed by the noble Earl, yet he could not support the Address, because, in his judgement, it meant to pledge the House never to be in amity with France whilst that nation continued a Republic. In this case, a peace may never be made; yet if France preferred a Republican form of Government, to dictate to her in this instance was, in his opinion, neither just nor decent.

The Marquis of ABERCORN did not think that such a construction could be put on the words of the Address. His Lordship said, he had been precluded from delivering his sentiments till now, upon so weighty a question; but they differed from all those that he had heard delivered on both sides. He had only heard opinions for absolute war or immediate peace; he thought there was a line to be pursued that would not subject us to the disasters of the one, in so great an extent as had been lately felt, nor to the disgrace of the other. He said, that he thought the war originally wise and necessary, and, if conducted on wise and rational principles, such as would not only have been safe, but honourable. He was sorry to say it had been quite the reverse. We had made ourselves the principals and the paymasters of the world. We had thrust money down the throats of every body; and we had forced nations to defend themselves whether they would or not. A plan of war without wisdom had been conducted without energy or vigour; and we had contrived to monopolise the odium of France, though we had not gained the esteem of our own allies. We had sent our own brave men to be abandoned by those allies, and to perish in the defence of their territories. This was not a new opinion, but had been uniformly his sentiment. He still thought, that a system of strong defence was practicable, and would be preferable to a peace. We were possed, he said, of resources, but we should husband them, and not profusely squander the blood and treasure of the country to the caprice and crooked policy of continental connections. He was for withdrawing our troops from the Continent, and acting only by sea, or on such occasions as our assistance could be decidedly useful. He gave a strong contrasted picture of the naval victory gained by Earl Howe, and the late disasters in Flanders. His Lordship complained much that his motives had been misrepresented in the public prints. He entered into a jusiification of his conduct, as far as it might seemingly affect the support which he had given to the war, and the apparent desertion of his former friends. To them he appealed, he said, for the purity of his principles, and they would

judge of the motives which now influenced his conduct. He wished that he could persuade Ministers to adopt his plan of the war; but whenever it was possible, consistently with his feeling, he should give them his support.

The Duke of BEDFORD said, he was sensible of the fatigue their Lordships must have felt from the length of the debate, but the great interest of the question pressed him to state a few things which had occurred to him in consequence of the arguments used by several noble Lords for continuing the war. Their Lordships could not but hear with satisfaction, as he did, from the First Lord of the Admiralty, that exertions were making in that department, on which the hopes of this country chiefly depended. The candour with which these were announced, left on his mind no doubt of the fact, and he was willing to confide in the vigilance of the noble Earl, for speedily realizing the expectations he had raised. He perceived much eagerness on one side of the House to mis-state the case, by depreciating the loss, and magnifying the gain of the war. He thought the calculation very easy and simple. The one was just as real, as the other was chimerical. The public mind was at that moment in suspense about the fate of our West India islands. And Corsica, which had attached so much contempt and ridicule to His Majesty's Councils, he apprehended, instead of an advantage, might become a very serious misfortune. It was at least such a jewel as tarnished, but never could increase, the splendour of the British Crown. The statement that had been given by several noble Lords, of the enemy's finances, he did not think satisfactory. It involved in the very face of it, a palpable contradiction. Year after year Ministers had asserted that the enemy would not be able to support another campaign: Every succeeding campaign had, notwithstanding, been more efficient both in its provisions and operations than the preceding one. And their Lordships knew to their cost, that the last had excelled them all, was more amply supplied, and did more execution. The argument on which so much stress had been laid, that the deficiency of the enemy's resources appeared from their immense outgoings, he thought an absurd one. He did not credit the premises, and though he had, they warranted quite an opposite conclusion. The noble Secretary (Lord Grenville) said, their expenditure last campaign amounted to one hundred and sixty millions sterling. He doubted the assertion, as it was accompanied by no authentic document. Admitting it however to be correct, it only proved either that Ministers had been uniformly out in their calculations, or that a system of imposition on their Lordships, and the public, was regularly pursued. What did their Lordships think

of meaſures, which could only be ſupported by hypothetical reaſoning thus equivocal and fallacious? What conſolation could their Lordſhips derive from our miſerable ſpeculations on the reſources of a people, whoſe armies kept the field which we and our allies conſtantly abandoned, broke and diſperſed the moſt formidable confederacy that ever threatened the liberties of the world; reduced them whoſe ſafety furniſhed us with the original pretext of taking part in the quarrel, to the direful neceſſity of treacherouſly expoſing our impotence, and leaving us the victims of an enemy primarily provoked on their account, and even now produce ſuch a fleet as inſult us on our own element, ſhuts up our ports, cripples our trade, and alarms our coaſts? Theſe are ſuch indications of imbecility, as make Europe ſhake to its baſis. And what have Miniſters yet in reſerve to make us longer reject the evidence of our ſenſes, to protract the triumph of their pitiful deluſions; or keep up the ſpirit of infatuation ſo induſtriouſly propagated among our countrymen, in the teeth of facts thus awefully convincing? It certainly ſurpriſed him to hear the noble Secretary pique himſelf on the foreſight of His Majeſty's Miniſters, who had been literally miſtaken in almoſt every ſurmiſe they had hazarded. The ſtate of things for ſome time paſt had been ſufficiently fertile of predictions, both from Miniſters and their opponents. But with the ſingle exception of repealing the law of the Maximum, which he acknowledged Miniſters foretold, which of all their other conjectures had not been completely falſified by the whole courſe of ſucceeding events? Did not this ſhew how unequal they were to their ſituations, who had not the faculty of making ſuch an eſtimate of the preſent as enabled them to provide for the future? It was this incapacity that ſhackled and enervated all the operations of the country, and left us invariably unprepared for every emergency. He challenged their Lordſhips, on the other hand, to produce one inſtance in which thoſe he had the honour to act with, had been miſtaken. Were not all their predictions as minutely verified, as thoſe of Miniſters had failed? And he appealed to their Lordſhips' candour, whether the foreſight of the one or the other was moſt to be depended on, or beſt merited their Lordſhips' confidence? All that had been ſaid about the difficulty of treating, he conceived to be nothing more than pretence. It was every way as eaſy to negociate with France as any other ſtate. That country, notwithſtanding all its recent convulſions, did not ſeem more incident to a change in its rulers than its neighbours. The Miniſtry of none could be permanent, and there was an end of all treaties, if that was to be a condition which could never happen. But what did nations chiefly regard as the mutual baſis of

confidence in their conditions. Not furely the precarious circumftance of viciffitude in cabinets, the intrigues of courtiers, or the narrow and crooked politics of favourite ftatefmen; but the prevailing temper and genius of the people. And he did not expect to be now told, that though Tallien and his friends fhould perifh to-morrow in the fame fate which overwhelmed the party of Roberfpierre, the French could be at any lofs for leaders. There was nothing as he perceived in the fpeech, that in the fmalleft meafure determined what the object of the war really was, or at what ftage of it, any hopes were to be indulged of peace. Had Minifters fpecified diftinctly what their views actually were, or fhewn to his conviction that they aimed at nothing unjuft or unreafonable, he would have been the laft in the Houfe to oppofe it, he would have given it his hearty approbation, he would have ftrained every nerve in every way Providence put in his power to promote and facilitate their meafures. But when called to fupport a war of mutual deftruction, and of which he faw no end but in crufhing or annihilating one or other of the parties, he had no option but to grapple for his own fafety as well and as long as he could, and that, he was decidedly convinced, was only to be obtained by the means recommended in the amendment. He agreed with Minifters, that it was a bad time for making peace, and added, that from them fuch a propofition could never come with a good grace. But what then? The public could never fanction an eternal ftate of hoftility. And in all wars one of the parties muft be foiled. This, he was forry to obferve, was now our misfortune, and it became us to bear it with as much magnanimity as we could. But he never could think it any indignity in nations more than individuals, for the weak to yield to the ftrong; and he earneftly deprecated the madnefs of obftinately perfifting againft a force fo eminently fuperior, though fainting under accumulated burdens and loffes, and hardly able to meet the enemy any where, in the defperate prefumption that by fome miraculous interpofition, or unforefeen, but favourable accident, we may yet fucceed. It was fuggefted, that in the event of peace, the country would be over-run with Frenchmen, who might infidioufly undermine the prefent order of things, and effect among us a Revolution fimilar to their own. He knew not whether this ftrange infinuation was meant as a libel on the Conftitution, or the People, but he felt it equally difrefpectful to both. The laws of the country were not fo eafily perverted as Minifters imagined, and he thought their juftice and impartiality perfectly competent to their own prefervation. And who doubted but the principles of Englifhmen would always be proof enough againft the influence of foreign

artifice? What was the plain and obvious drift of this affected apprehension, but that such refugees and strangers as might attempt to diffuse disloyal notions in the public mind, were certain to succeed, notwithstanding the deep-rooted contempt in which it was so natural for our countrymen to regard them. Were Britons then so perfectly weak and credulous as to become the dupes of those whom they were accustomed to consider as the most despicable on the face of the earth? Whatever might be the opinion of Ministers, who probably were in the habit of depreciating and vilifying the good-natured people of England in proportion to their own facility and success in deceiving them, he entertained a better opinion both of their hearts and heads, as he never could reconcile it with common sense, that even the lowest orders among us could be in any danger from the communications of foreigners, of whose language they were ignorant, whose habits they disliked, and both of whom were so mutually repulsive to each other, as seldom, even on the most ordinary occasions, ever to associate. The noble Secretary of State had said, we ought to follow up with vigour, the generous exertions of war in which the country was engaged. He was at a loss how to construe this odd phraseology: It put him in mind of that jumble by which some poets of antiquity confounded the elements of things. There was, at least, no association or affinity between the ideas he had thus put together. He thought it an easy matter for Ministers and Statesmen to devise at their leisure the means of supporting what they were pleased to call *generous exertions*, not with their own, but with the riches and blood of a gallant and unsuspecting public. They knew nothing of the distresses it occasioned among those who immediately felt its pressures, of being violently torn from their families, or of leaving them destitute and miserable, and of having all the cruelties, hardships, and horrors of a military life imposed upon them, instead of the quiet domestic habits in which they were born and bred. To these direful extremities thousands of their fellow-creatures are daily consigned by their order. They prescribe the duty, but others must set the example. All the difficulty or inconvenience which falls upon them is to bring forward a plausible case for public inspection, or make the best apology they can when their conduct is censured or arraigned. But was not this being *generous* at the expence of others, wantonly sporting with the lives of their fellow men, and a liberality in the effusion of blood not their own? He would, however, venture to assure them, that for such generous exertions as these, they would not have the blessing of the widow, or the fatherless, the approbation of their own hearts, or that of any thinking, sober, or good mind.

He could not help taking notice how differently Minifters now fpoke from their former manner of expreffing themfelves in that Houfe. Their Lordfhips heard no more of that high-founding language affected on the commencement of laft campaign. Minifters, as it was fhrewdly fuggefted they would, were now compelled to lower their tone. He hoped, whatever events might occur, they would not foon forget how much they had been humbled. And he pledged himfelf, that if ever they did break out again, he fhould take the liberty of calling on his noble friends, [looking at fome Oppofition Lords who fat near him] to be their remembrancers, and to put them in mind of their prefent embarraffment. It was what he prefumed ought to teach them moderation and decency as long as they lived. Their Lordfhips, he faid, were now particularly called to obferve, that in the very crifis of fo general a defertion among our allies, Minifters betrayed a more than ordinary propenfity for profecuting a project, which none in all the world deemed practicable but themfelves. They probably blufhed to be longer found in a company they had but lately been fo folicitous to join. In truth, there was but little credit accruing from fuch affociates. Their Lordfhips needed but caft their eyes to Poland, to be convinced their tendereft mercies are horrid cruelty. There, fcenes of barbarity had been recently acted, enough to make every perfon of the leaft humanity fhudder; fuch fcenes as were never precedented by any occurrence either feen or heard in the hiftory of the world; even ftill more black and atrocious than the fucceffion of bloody tragedies, which diftinguifhed the flagitious and fanguinary ufurpation of Roberfpierre. Their Lordfhips would be furprifed and fhocked to be told, that thefe horrid exceffes were committed under the pretext of fupporting Religion, Society, and regular Government. They would wonder ftill more when they underftood that they were fanctioned by the confent of States in alliance with ours, and they could not but feel indignant that any part of our revenue could be appropriated or proftituted, only by report, in abetting and aiding a conteft which merits the execration and abhorrence of all mankind.

Lord DARNLEY replied to the Duke of Leeds and the Marquis of Abercorn. If the Addrefs contained any expreffion that would prevent negociation, he fhould alfo be againft it—but it did not in his mind do fo. He agreed alfo with Lord Abercorn that the war ought to be carried on with vigour, but he could not agree with him that the fyftem hitherto adopted in its profecution had been bad.

Lord GRENVILLE replied to the Duke of Leeds, that the

expreſſion in the Addreſs to which he alluded, certainly was not intended to go the length of preventing negociation, if a fair occaſion preſented itſelf.

The Houſe then divided on the amendment;

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Proxies 12—107.

The Addreſs was then carried, and ordered to be preſented to His Majeſty in the uſual form.

Earl STANHOPE gave notice of his intention to bring forward a motion, that Great Britain ought not to interfere in the internal affairs of France, on which he moved their Lordſhips to be ſummoned for Friday next.

Lord GRENVILLE moved an amendment for Tueſday next, which was carried.

Liſt of the MINORITY, on the Amendment propoſed by the Earl of GUILFORD.

Bedford, Duke of
Lanſdowne, Marquis of
Earls, Albemarle,
Buckinghamſhire,
Derby,
Guilford,
Tankerville,
Earls, Thanet,
Stanhope,
Suffolk,
Chedworth, Lord
Lovel and Holland,
(Earl of Egmont, Ireland.)

Total 12

Wedneſday, 31ſt December.

The Houſe met, received the Report of the Addreſs, and adjourned to

Tueſday, 6th January.

The Marquis of LANSDOWNE moved for certain accounts of the fees, perquiſites, and gratuities received in the Public Offices, &c. He ſaid, that as the expence of printing was very conſiderable, and as they had been preſented to the Houſe of Commons, to ſave expence, he wiſhed that ſimilar copies ſhould be laid on their Lordſhips' table with the appendix. Ordered accordingly.

The order of the day for proceeding further on the trial of Warren Haſtings, Eſq. was, on the motion of Lord Grenville, poſtponed to Tueſday ſe'nnight.

Earl STANHOPE obſerved, that ſince he laſt had the honour of debating the propoſition which he meant this night to offer to their Lordſhips, the opinion of the country had been completely altered

with regard to the war. The eyes of the people, he said, had been opened, and they saw the destruction which must ensue to the country by persevering in the present unfortunate and ruinous hostilities. If the motion which he would have the honour this night of offering to the consideration of their Lordships should be negatived, he foresaw that ruin and destruction must inevitably follow. He meant to argue the question with temper; and he trusted, that contrary to what he had formerly experienced, His Majesty's Ministers would argue with temper and moderation also. He had no doubt of proving the expediency of adopting his motion; and those who meant well to their country, would join in facilitating the object of this night's debate. He undertook to prove that the ruin of the French finances was impossible; and consequently to do away and destroy that great argument which the Ministers had always deduced from what they alledged to be the exhausted state of the French finances. However expedient, therefore, his motion might be, it was not on the single ground of experience, or even of policy, that he meant to found his arguments; but on the foundation of substantial justice—What he had learnt in his youth, that justice was an indispensable duty, he should never forget; and if any thing were proved to him to be just, that thing he would contend ought to be done. The French had solemnly disclaimed the principle of interference in the Government of other countries, and from this, he concluded, that the Government of Great Britain had no right to interfere in the internal administration of France. On this subject two documents had been afforded by the French. At the close of the year 1792, when the French Ambassador was in this country, he had transmitted an official note to the administration, in which it was explicitly stated, that it was not the intention of France to interfere in the Government of other nations. This was a satisfactory explanation.—Soon afterwards the French thought proper to destroy their Monarchy, and to form a Republican Government. The Republican Constitution had been finally decreed; it was to constitute that mode of Government, under which they were in future to live.—In the mean time a revolutionary system had been established, which was to last till the conclusion of the war. The 118th and 119th articles of the republican constitution contained the principles to be adopted in their conduct to foreign powers. The 118th article stated, that "All free people are the natural friends and allies of the French nation."—The 119th stated, "that the French Republic does not interfere in the Government of other nations. It does not suffer other nations to interfere in its own." In the former year the grossest delusion had been practised in the House,

He did not mean to say, that the delusion was imputable to design, but to want of information. The last campaign had proved every position which he had maintained with respect to the enthusiasm of the French, their resources and finances, and had invariably disproved every argument that had been used by Ministers in contradiction to his positions. First, the idea had been held out that the French armies were a mere undisciplined rabble, while the troops whom they had to oppose, were the finest and most courageous in Europe. The French, however, had proved whether they were merely an undisciplined rabble, or whether they were not superior to the mercenary and servile bands which had been brought out in array against them. In fact, the French Republic, for he would not, like some other noble Lords, affect to call France a kingdom, was at present in possession of the bravest and best organized army in Europe—an army equally formidable from its discipline, its courage, and its numbers—which, by the last statements to the Convention, amounted to no less than 1,200,000 men, disciplined first by adversity, and afterwards by success. They neither wanted arms nor cloathing; they had been furnished in their conquests with enough of both these articles in addition to the immense quantity which they had made throughout the Republic. The next idea which was held out was, that of starving the French, an idea as absurd as it was horrid and detestable. The humane system of starving 30 millions of people, was now, however, proved to be impracticable. He trusted, that they would hear no more of that accursed system of starvation. "Let me shew you," exclaimed his Lordship, "what this threat produced in France. A man who had been driven from France by the tyranny of Roberspierre came to this country; I conversed with him. I have a mother, and a family, he said to me, still in France; how then can I endure this idea of starving the people of France? My Lords, it is the indignation occasioned by this threat that has brought forth that spirit, and those exertions which were made by the French last year." At the commencement of the present year, the French were inferior in naval force, and yet the number of ships taken from this country, was infinitely superior to the number which this country had taken from them. In the Spring of this year, nay, perhaps at the present moment, their naval force was superior to the force of this country. Could they be starved therefore now, when they had such a force at sea? Could they be starved, when they had obtained possession of the Palatinate and of Brabant, two of the most fertile countries, and that too immediately after the period of the harvest; so that whatever danger there might formerly have been of a scarcity, was now

entirely removed. The French were likewife occupied at prefent with the fublime project of cutting a canal between the Palatinate and the South of France, by which fupplies of provifion might be conveyed from the one to the other. Thus the two ideas which had been held out with a view of deluding the people of this country, had entirely failed; equally delufive was the fyftem now held out with refpect to the French finances, from which it was contended that they would not be much longer able to carry on the war, from a total failure of their refources. The French finances were never fo flourifhing as at the prefent moment; and therefore, he did confefs, that he was aftonifhed at the ignorance of Minifters on the fubject. It was neceffary to take both fides of the account. By the confifcation of the property of the clergy and of the emigrants, the French Government had collected the enormous fum of 400 millions fterling; they poffeffed one third of the lands of France, befides all the plunder, (that appellation was perhaps improper) which they had drawn from the church and the gold and filver faints. With refpect to the other fide of the account, he would take not his own account, but the unexamined account of the Minifter. By fome it had been contended, that the French had iffued affignats to the amount of 266 millions fterling. But fuppofing even that the iffue was greater; that it amounted to 400 millions; affignats were now at a depreciation of three-fourths per cent. 75 per cent. If therefore the French had iffued 400 millions, they would ftill, were they now to call in the depreciated affignats, leave a clear furplus of 300 millions fterling untouched. Such was the ftate of their finances. But it had been faid they had fpent laft year 120 or 160 millions. What was the confequence? That as the fourth part of 160 millions was 40 millions, they had only fpent 40 millions. Perhaps their Lordfhips would afk, whether this was no lofs to individuals? It was a lofs to individuals, but not to the Government. In the American war, American paper fell 94 per cent. but were the Americans therefore ruined? No; that which had gone from the Government in a large mafs, had melted as it went, and returned a fourth part lefs than its original fize, or, according to the words of an excellent author, it had gone from them the fize of a fnow ball, and had returned to them no bigger than a nut. The lofs divided among numerous individuals was felt by none, and it returned to the National Treafury diminifhed, who iffued other paper to a large amount for the benefit of the State. This was the ftate of the finances of France, and could afford no caufe of exultation to thofe who expected that the ftate of the French finances offered a favourable profpect to the enemies of peace. He

insisted, that the finances of the Republic were such as to bid defiance to the united efforts of Europe. It had been weakly argued, he remarked, that the success of the Republic proceeded more from chance than wisdom and design; but this assertion was equally futile with others made on the same subject. When assignats were at par, they wisely issued a prodigious quantity; and when the water was at its level, they allowed it to take its course. The assignats which they issued at par have gradually diminished in value, till they have fallen at length 75 per cent. and by calling them in when at this low price, they annihilate three-fourths of their national debt, and provided a sufficiency of funds for any given expenditure. It was a very heavy tax, he confessed, upon the people, but it fell not upon the Sans Culottes, but upon men of property, and consequently did not much disaffect the great body of the nation to the general cause. They had the policy not to deprive the nations whom they conquered of every thing; they took from them indeed their specie, but in exchange they gave them assignats, by which means they contrived that they should have an interest in common with the French Republic, and the support of the existing Government.

All the successes of the French were ascribed to chance; but when he saw this and many other instances of dexterous policy, he could not help considering them as proofs of the wisdom of the Government. If, therefore, it was unjust to oppress a people because they were weak, it was folly to oppress them because they were strong. He remembered the language held on the American war. "You have passed the Rubicon," it was said then; "you must either kill them or they will kill you. The same argument was now attempted to be used. He desired the House to contemplate the consequences of the probable junction of the Dutch and Spanish navies to the French navy. "If you ask me with whom you are to make peace, I shall reply, with those with whom you make war; with the Republic of France, one and indivisible; with those men whose Republican constancy, whose Republican courage, whose Republican ardour, has made victory the order of the day. What have you lost, it is asked? Yes, you have gained some islands, but you have lost Holland. You have lost 130,000 of the allies; you have lost the Austrian Low Countries. You have lost half the balance of your trade. You have lost what is more important than all these, you have lost your character of being the friends of general liberty and peace. On this account, my Lords, I submit to your Lordships, with the utmost sincerity, the following resolution:— "That this country ought not, and will not, interfere in the internal affairs of France; and that it is expedient explicitly to de-

clare the fame." All interference in the internal affairs of a country was contrary to every law of natural juftice, and a direct violation of the imprefcriptible rights of man, and therefore no political expediency could juftify it, and if unjuft, it was proper that fuch a conduct fhould be openly renounced.

The Earl of CARLISLE objected to the motion, from the vague indeterminate form in which it had been introduced. He confeffed himfelf much at a lofs, from this circumftance, to make any reply to it. He allowed that, in certain circumftances, and in a certain fenfe, an interference in the internal affairs of France would be highly unjuftifiable. He difavowed this interference to be the object of the prefent war. It was not againft a Republic that we directed our arms, merely becaufe it was a Republic, but becaufe it threatened Europe with deftruction, and avowed principles of hoftility againft every eftablifhed Government. A monfter had fallied forth from its den, and menaced the adjoining territory with ruin and devaftation. It was not fufficient to chafe it back to its retreat; it was neceffary to hedge it in, and to fecure ourfelves from any future attack. When America adopted a Republican form of Government, which was compatible with the fafety of Europe, we did not interfere in its decifions; but when the able hand of Wafhington ceafes to conduct the rudder, and twift the cable of the State, who knows what may be the confequence? If they run wild and become outrageous like the French, then the arm of compreffion muft be raifed to compel them to order. No comparifon between America and France on their prefent relative fituation to this country could poffibly apply. He recurred to the declaration of the 9th of November, and fubfequent proceedings of France, fo violent and hoftile to this country, as to render war unavoidable on our part; and could not fee in the prefent circumftances how peace could be made on honourable terms, and fo as to fecure the tranquillity and independance of Europe. He deprecated bringing forward motions of that fort, and would get rid of it by moving the queftion of ajournment.

Lord ABINGDON faid, does not the noble Lord know that retaliation muft always take place, that if France attacked us we had a right to defend ourfelves? An eye for an eye, and a tooth for a tooth.

Lord AUCKLAND faid, that not being prefent on the firft day of the feffion, he would trefpafs longer on the time of the Houfe than he would have from any thing connected with the noble Earl's motion, which he agreed with thofe that preceded him ought only to be met in a general way. He had fome perfonal reafons for

wishing to speak generally on the subject of the war, he had the best opportunities of being acquainted thoroughly with the commencement of it, and took to himself the responsibility of any share he, from his situation, might have had in it at that time. He admitted much that had been said of the successes of France, and the disappointments that we had met with in some of our alliances; to these, and other unforeseen circumstances, more than to any energy in the French Government, he ascribed the distresses of our situation; which, however, he thought in no degree so desperate as to make us despond, and from mistaken timidity conclude a peace on any terms, however dishonourable or insecure they might be; and such alone were the terms to be expected, if we followed the noble Earl's reasoning, or adopted his motion. He acknowledged that France was a much more formidable enemy than he had ever thought she could have been under her present system. He admitted the almost unresisted progress of her arms: that she was in possession of Austrian Netherlands was true; and likewise we might look on Holland as lost for a time—he said, for a time, from the great reliance which he placed on our navy, which was at this time nearly double in point of strength to what it had been at the same period of any former war: on the other hand, it was fair to state that the naval force of France was very considerable; and what was more to be feared, was the possibility of her getting possession of the naval force of other countries. He still objected to the motion, as not the best means of procuring peace, though it was ever so desirable; he had always wished for a safe and honourable peace, but that could not be obtained in any other way but by a vigorous prosecution of the war. He had thought such a peace ought to be had as would get for this country indemnity for the past and security for the future; but questions of that sort varied in all wars, according to the eventual circumstances inseparable from their prosecution. He declared himself more inclined that France should have a monarchial Government, but would not go the length to say that that was a *sine qua non*, upon which a secure peace could be made. He differed from the noble Earl in thinking that there was any Constitution yet framed for France, that would be acted upon, even if there was a peace. For his own part, he should acknowledge the Republic of France with considerable reluctance, though he fairly admitted that he did not consider that the specific object of the war was the establishment of the French Monarchy. The conquests which this country might make, he should put out of his consideration. Conquests were never a sufficient indemnity for a war; and their Lordships would recollect, that the strength of

countries confifted not in the extenfion of territories, but in their relative ftrength. Till, therefore, the neceffity of adopting the *oremus pacem & dextras tendamus inermes* fhould be proved, he fhould vote for the profecution of the war. He was fure that, by keeping on high grounds, we were the more likely to obtain an honourable peace. The conduct of the war was not before the Houfe. He argued at length upon the extravagant wafte of the refources of France, which he did not confider as inexauftible; neither did he think our own were in any very bad ftate.

Lord SCARBOROUGH fpoke againft the motion. The noble mover, he faid, had profeffed it as his object that juftice fhould be done; in his opinion, the noble Earl's motion went to have juftice done on extraordinary grounds indeed, "*fiat juftitia ruat cælum.*"

The Earl of MANSFIELD, though he wifhed to avoid meeting the queftion directly, thought himfelf obliged to fay fomething from what had fallen from the noble mover. He would never fuffer his arguments on the law of nations to be carried to fuch a length as the noble Lord had ufed them, and was far from thinking that any author on that fubject had ever attempted to carry them fo far; neither would he imitate the noble Lord's confidence in his opinions by equal confidence in his own, nor anfwer him by affertion for affertion. He agreed perfectly with the noble Lord in the blue ribbon, that our entering into this war was no interference on our part with the internal Government of France. When, before the commencement of the war, they had carried their mad revolutionary fyftem fo far, and had avowedly declared their purpofe to be the total annihilation of this and every other eftablifhed form of Government, would any man call our defending ourfelves from fuch imminent and vifible danger, an improper interference? As well if you met a man with a drawn dagger in his hand, who declared he meant to murder you the firft opportunity, might it be called an improper interference to difarm him if you could? He would ftate another way in which our interference would be proper. When there were two diftinct parties in a country nearly equal, one contending for the power of ruling at their own difcretion, and the other ftruggling, in order to get rid of that tyranny and oppreffion which is the certain confequence of anarchy and diforder, he would fay, as he had done laft year, as far as that was the fituation of France, it was the duty of this country to affift the royalifts then in preferving the monarchical form of Government, as moft conducive to our own intereft, and the general tranquillity of Europe; and this he would always advife, whatever price it might coft, and even at the rifk of a civil war in that country.

To call France a Republic, he considered to be slandering all real Republics. On the variety of republican Governments he descanted at length. For examples of interference in the internal government of other countries, he recurred to the History of England first, and asked who blamed the Queen of England for uniting with Henry IV. for the purpose of restoring Monarchy? He desired them to look to the peace of Westphalia, after a thirty years war. Was there not, in that instance, an interference with the Government of Germany? And the history of this war it was the duty of every Statesman to study, though the task was laborious; a friend of his at Ratisbon had shewn him eighty folio volumes of it, which he regretted he had not thoroughly read. Look to the grand alliance—Was there no interference with respect to the Treaty of Succession? To the Treaty of Utrecht, in which it would be found as an article, that France and Spain were never to be united, even if they desired it, and lastly, to our interference with Holland in the year 1787, so much approved by all parties. He then sarcastically complimented the wonderful ability with which the noble Earl put in the same way arguments diametrically opposite to each other on the subject of French finance; last year he rated their finances high, because they rated their assignats at par; and this year he rated them high, because they were seventy-five per cent. below par, one fourth of their value; this reminded him of a line in one of Dryden's old plays, with which he would conclude: a lover says,

"My wound is great, because it is so small,"

which the Duke of Buckingham ridiculed in the Rehearsal,

"Then 'twould be greater, were it not at all."

The Marquis of LANSDOWNE said he did not rise to defend the motion, nor to speak on at it length. He always had considered the object of all wars to be the attainment of an honourable peace, and that every means should be taken to produce that effect. Nothing could give him greater pleasure than the temper with which the debate had been conducted that night, and the just, fair, liberal, manly, and candid declarations on the subject of interference with the internal governments of other countries, which had been made by almost all the noble Lords who had spoken; he paid many compliments to his noble friend, though he seldom carried his sentiments to so great a length as his noble friend, from the best intention and purest motives, often did, in speaking his mind in that House; nor could he go with him to the degree which the motion held out; he was far, however, from regretting that the subject had

been brought forward, and trusted that another motion would be made either by the noble Earl, or from any other quarter, and notice given of it at a proper distance of time, that noble Lords might be able to digest the nature of it, and come prepared for a solemn discussion of so important a subject. He had another motive for rising. He had seen a paper in the Leyden Gazette, which had been very inaccurately translated in the English papers, and it was a paper of such a nature, as at the same time that it must afford universal satisfaction, merited the most serious attention of that House and the country; this paper contained a declaration, on the part of France, disavowing that the Government of that country had come to any resolution or decree not to treat with any nation that was not under a republican form of Government; it not only disavowed this, but declared their readiness and inclination to treat with all nations, under whatever form of Government; the Report was ably drawn up, and, in his mind, an important step towards the restoration of tranquillity in Europe. He wished England had been the first to make such a declaration; and he trusted she would not be the last to disavow every sentiment of a contrary nature. The present situation of the country called for it: he did not now mean to argue the principles upon which the war was carried on, or the manner in which it had been conducted; the House did not come prepared for that discussion; but they ought not to dismiss from their view the rapidity with which France had made conquests; the certainty that she had determined on a winter campaign in all quarters; and the extraordinary and increasing progress of her successes. On the subject of this country making acquisitions by a continuance of war, he had always held the same opinion; it was long ago delivered in that House by Queen Elizabeth; she told her Parliament, "I know how I can get conquests, and how I can extend my territories; but who will teach me how to keep them; and will they contribute to the happiness of my people?" What is the acquisition of Martinique to the loss of Holland? His Lordship observed, that some words he had spoken in a former debate had been misrepresented, not intentionally he was sure, in one of the best-informed, most accurate, and most useful of the morning papers, the probity of whose reports he had often noticed.—[His Lordship is supposed to have alluded to the Morning Chronicle.]—He was supposed to have said that Martinique was lost; whereas his words were, that if the negligence of the French was not equal to our own, in all probability the whole of those islands would be lost; stating, at the same time, that while Sir Charles Grey was there, he was convinced our position would be ably maintained. From the gene-

ral temper of the Houfe, he was happy to forebode unanimity amongft all parties, in promoting, what muft be the great object of all, and the higheft bleffing that could be given to the country—an honourable peace; by which they would avoid, in the prefent inftance, all the diffentions, horrors, and difcord that diftracted the country in 1782. Harfh words had been ufed in this country againft the French, and they had produced in France harfh words againft this country. The Government would do well to try now, whether foft words here would not have the effect to produce foft words in return from the French.

Earl STANHOPE, in reply, alluded to the Earl of Mansfield's fpeech, and contended that it was becaufe he would avoid a thirty years war, that he wifhed to interfere in the internal government of France. A noble Lord, on a former day, had ufed the word "fteady." Steady he would be in principles that he thought were right, and fteadily would he defend them to the laft moment of his life. It was therefore his intention to divide the Houfe on his motion. He concluded by declaring that he would always continue a firm friend to the interefts of the people, the rights of man, and the liberty and happinefs of mankind.

The Duke of BEDFORD difapproved of the motion, both becaufe it was in itfelf an abftract propofition, which could ferve no valuable end, and becaufe he could not entirely agree to the words or the manner in which the noble Earl fupported it. Still anxious that this important queftion might be fully and fairly met, his Grace gave notice, that this day fortnight he fhould bring the fubject again before the Houfe in another fhape.

The Houfe now divided on Earl Stanhope's motion:

Not Contents, 61; Contents, 1. Majority 60.

PROTEST of Earl STANHOPE,

Diffentient,

Firft, Becaufe the motion made for the Houfe to adjourn, was profeffedly intended to get rid of the following refolution, videlicet, "Refolved, "That this country ought not, and will not, interfere in the internal "affairs of France; and that it is expedient explicitly to declare the "fame."

Second, Becaufe I hold that it is contrary both to equity and policy for any foreign country to interfere in the internal affairs or conftitution of the French Republic, or of any other independent nation.

Third, Becaufe the Government of Great Britain (not having been elected by the citizens of France) can have no more right to give to France a Monarchical, or other form of Government whatever, than the crowned Defpots of Pruffia and of Ruffia had to overturn the free conftitution of now unhappy Poland,

Fourth, Because I heartily disapprove and reprobate the doctrine advanced by Ministers in the debate; namely, "That to restore the ancient and hereditary Monarchy of France no expence should be spared." And I reprobate that pernicious and uncivic doctrine the more strongly, from its not having been suddenly, hastily, or inconsiderately started; but from its having been taken up (as it was solemnly declared) upon the utmost deliberation.

Fifth, Because I deem it to be an injustice committed by Ministers towards my fellow citizens, to adopt a principle which shall render it necessary for the Government of Great Britain to lay farther heavy burdens upon the people, and to tax their houses, their windows, their beds, their candles, their shoes, and many other conveniences, and the necessaries of life, in order to provide a fund to attempt the accomplishment of such a wicked purpose as aforesaid.

Sixth, Because the proposed resolution above stated, was intended by me, as a "solemn pledge" that the Government of this nation would not interfere in the internal affairs of France; but the refusal of the House to give such a pledge, tends to shut the door to peace; and consequently tends to insure the ruin of this manufacturing, commercial, and once happy country; particularly considering the increased, and rapidly increasing, strength of the navy of the French Republic, independently of the prospect there is of their having the navies of Holland and Spain under their immediate influence.

Seventh, Because the public funds, the paper currency, and the public and private credit of this country, will probably be unequal to stand against the tremendous shock to which Ministers will now expose them.

Eighth, Because I think that frankness, fairness, humanity, and the principles of honesty, and of justice, are always, in the end, the best policy. And I believe it to be true, in regard to nations (as well as with respect to individuals) that "nothing that is not just can be wise, or likely to be ultimately prosperous."

Ninth, Because I lament the more, that the House should refuse to disclaim the interfering in the internal constitution of France, inasmuch as by the new constitution of the French Republic, One and Indivisible, adopted by the present National Convention, on the twenty-third day of June, in the year one thousand seven hundred and ninety-three, and under the title of "the Relation of the French Republic with Foreign Nations," and by the articles 118 and 119 of that constitution, it is declared and enacted, that

"The French people is the friend and natural ally of every free nation. It does not interfere with the government of other nations; it does not suffer that other nations should interfere with its own."

So frank, so fair, and so explicit a declaration on their part, did, in my opinion, entitle them to a better species of return.

Tenth, Because I conceive that a true republican form of Government, being firmly established in France, is much more safe for the liberties of the people of Great Britain, than the tyrannical, capricious, perfidious, secret, intriguing, and restless ancient monarchy of France; or than any other monarchy they could there establish; but even if I were of a direct opposite way of thinking, I would not be guilty of the gross injustice of attempting to force a monarchy upon them, contrary to their inclination.

Eleventh, Because I think that no war ought to be continued, that can, by a proper line of moderation, be avoided; and the more especially

with respect to the French people, who, by their republican exertions, republican enthusiasm, and republican courage, have made victory the almost constant "Order of the Day."

Twelfth, Because the continuing of such a bloody contest, without necessity, appears to me to be a profane tempting of Divine Providence, in whose benign and almighty hands the fate of battles and of empires is placed.

Thirteenth, Because I wish to wash my hands entirely of all the innocent blood that may be shed in this war with France, of all the carnage which may take place, and of all the destruction, confusion, and devastation (perhaps in Great Britain itself) which may ensue.

Fourteenth, Because it was my object to preclude the Government of Great Britain from attempting to stir up, or excite insurrections in La Vendee, or any other department of the French Republic; and the resolution I moved was well calculated for that purpose.

And Fifteenth, Because the maxim of "Do not to others that which you would not wish done to yourself," is an unerring rule, founded upon the clear principle of justice, that is to say, of Equality of Rights. It is upon that strong and solid ground that I make my stand; and all public men, in order to merit the confidence of the British people, must shew their determination to act with frankness, and with unequivocal good faith and justice towards the French Republic.

Having upon this most important and momentous subject frequently stood alone, and having also been upon this last occasion totally unsupported in the division, if I should therefore cease, at present, to attend this House, (where I have been placed by the mere accident of birth) such of my fellow-citizens as are friends to freedom, and who may chance to read this my solemn protest, will find, that I have not altered my sentiments or opinions, and that I have not changed any of my principles; for my principles never can be changed.

And those fellow-citizens will also find that I hereby pledge myself to my country, that I shall continue, what I ever have been, a zealous and unshaken friend to peace, to justice, and to liberty, political, civil, and religious; and that I am determined to die (as I have lived) a firm and steady supporter of the unalienable rights and of the happiness of all mankind.

STANHOPE.

Tuesday, 13th January.

The order of the day for proceeding farther in the trial of Warren Hastings, Esq. being read,

A motion was made, That a Committee be appointed on Thursday se'nnight, to search for precedents with respect to the mode of proceeding in giving judgement. Ordered.

Tuesday, 20th January.

Upon the motion of the Duke of Bedford, the order which stood for to-day, was postponed till Tuesday next, and the Lords ordered to be summoned.

Wednesday, 21st January.

His Majesty's commission was read, by virtue of which the Royal assent was given to the Land and Malt-tax bills.

Tuesday, 27th January.

The Committee appointed to inspect precedents respecting the mode of proceeding on the trial of Warren Hastings, Esq. reported progress.

The order of the day being read,

The Duke of BEDFORD called their Lordships' attention to the motion upon which their Lordships had been summoned, and of which the precise words had been laid on the table. It was a subject of great importance to this country, and to Europe. It was essential that their Lordships should clearly understand upon what plan they were to continue the war in future; the people of this country ought to be distinctly told what they were fighting for; and it was necessary that the people of France should know what they were fighting against. If their Lordships should think fit to negative his motion, they would render the prospect of peace more desperate than even the proceedings of Ministers, or more particularly their language, and the language of their friends. That language the French must have heard; and it would well become their Lordships' wisdom to obviate by their votes the ill effects it so evidently tended to produce. It would well become them to shew the people of this country, and the world at large, that the House of Lords was not a party to the violence which the language of Ministers was calculated to cherish and foment. Their Lordships had never held such language, and therefore he was not calling upon them to contradict themselves, by asking them to disavow it. To do this, appeared to be absolutely necessary at the present moment, in order to put a stop to the calamities which it had brought upon Europe. Their Lordships had often heard it asserted, that this was a war *usque ad internecionem*—language unfit for the most barbarous times; a sentiment so fraught with cruelty, and so dangerous to the principles of all good government, that to call upon their Lordships to contradict it, was to call upon their policy as well as their justice. The war, in its commencement, he admitted to have been approved of by a great majority That majority had been obtained by delusion, and by appeals to the passions. The same means were still employed to impede the increasing unpopularity of the war, but could not, as their Lordships must feel, operate much longer. When a proposition had at any time been brought forward for taking any steps

towards peace, it had been contended, that to do so would tie up the hands of Ministers, and oblige them to accept of whatever terms the enemy thought fit to grant. His motion had no such tendency; all he asked their Lordships to declare was, that they were ready to accede to peace, as soon as it could be obtained with safety and with honour. He was aware that the same delusions would be again practised to impose upon their Lordships' judgement, the same excitements applied to rouse their passions. They would be told, that although peace was highly desirable, this was not the proper time for obtaining it. His motion would bind their Lordships to no particular time, but leave both time and terms to the discretion of His Majesty's Ministers, who were responsible for their exercise of that discretion. The common arguments against every proposition tending to facilitate the attainment of peace, were, that no peace concluded with the present Government of France could be permanent; that to sue for peace would be as injurious to our interest as inconsistent with our honour. Now, no man who recommended removing the obstacles to peace, had ever proposed suing for it; no man had ever uttered the word. Much as he thought peace to be desired, he would scorn to sue for it. Next was alledged the danger to this country, from the introduction of French principles; our allies, it was said, were preparing to make greater exertions; and the desperate situation of the French finances rendered it impossible for them to continue the war on the same extended scale of operations that had hitherto baffled our efforts. Then, feeling the insufficiency of their own arguments, Ministers attacked the passions of their Lordships, and told them that the war was the cause of humanity, of religion, and of God.

To negociate, Ministers said, would be dishonourable. How, they asked, could we make the first overtures for peace, when it was notorious that the French had been the aggressors? The question of aggression was by no means so clear as they chose to represent it; but, admitting it to be so, let their Lordships consider what endless scenes of blood Europe must have exhibited, had it been the predominant principle of courts that no State could, without dishonour, manifest a disposition to peace, unless it had been the aggressor in the commencement of war. We had often offered to treat when our arms were successful, although we had not been the aggressors; and in the American war, which was unsuccessful, we had even suspended offensive operations as a preliminary to negociation. To prove that the French had been the aggressors, the decree of November 19, 1792, had been much insisted upon; and the argument came with greater weight from being urged soon after

their Lordſhips, in a dutiful addreſs, had expreſſed their approbation of a ſpeech from the Throne, in which His Majeſty told them, that he had carefully abſtained from all interference in the affairs of France—and that in all the diſputes between the Continental Powers, he had obſerved a ſtrict neutrality. He was ready to admit, that we had a right to interfere in the internal Government of France, if the French declared an intention of interfering in ours. But let their Lordſhips call to mind how anxious the French had been to retract this declaration. Their Miniſter for foreign affairs offered any explanation that might be required. The ſame inclination was ſhewn by ſpeeches in the Convention. After a ſpeech by Danton, ſetting forth, that although friends to the liberty of all mankind, they ought to correct the errors of momentary enthuſiaſm, a decree was paſſed, declaring that the French would not interfere in the Government of other countries; and in their new Conſtitution an article was inſerted, that they would not interfere in the Government of any other people, nor ſuffer any other people to interfere in theirs. They had, therefore, renounced this offenſive principle, and we ought to do ſo too. In anſwer to the aſſertion, that no permanent peace could be made with the preſent French Government, he was almoſt aſhamed to ſtate what he had formerly urged, but with ſo little impreſſion, that none of their Lordſhips thought it even worthy of being refuted. He thought it, however, ſo concluſive, that till he could call their Lordſhips' attention to it, he ſhould not ceaſe to urge it, and when refuted, he ſhould bow with ſubmiſſion to better reaſoning than his own. What then was a permanent peace? Where, in the hiſtory of Europe, was a permanent peace to be found, in the abſolute ſenſe of the word? A permanent peace, in any rational and practical acceptation of the term, was a peace on ſuch condition as each of the contracting parties had a right to expect. An equitable peace was the only one likely to be permanent; for a nation, compelled to accept of any other, ſmarting under a ſenſe of injury, would obſerve it no longer than weakneſs and neceſſity compelled. Were he to argue on relative permanence, he ſhould think it more probable that peace with a Republic muſt be more laſting than with a Monarchy, either abſolute or limited. In a Republic the queſtion of peace or war muſt be examined by many minds, it muſt be debated and canvaſſed by numerous bodies of men; whereas in a Monarchy a ſingle individual might decide; and while human judgment was liable to miſtake, the deciſion of one perſon muſt be leſs to be relied upon than that of ſeveral. Their Lordſhips were exhorted to perſevere in the war, becauſe of the danger to be apprehended from the introduction of French princi-

ples. Were Englishmen, then, so disaffected to the Constitution? were they so partial to the institutions of other countries, in preference to those of their own, as to be ready to abandon them on the first suggestion? French Jacobins would come into this country. Who were these Jacobins? Were they the Members of the Jacobin Club; or was it meant to brand the whole people of France with the name of Jacobin? But, in what situation would the French Jacobin come here? Was there any thing so peculiarly captivating in his language or address, as to make him formidable? He must tell the people of this country, "Do as we have done in France: destroy your Monarchy; abolish the House of Lords, dismiss the House of Commons, sweep away all your ancient institutions, and establish liberty and equality." The Englishman would hardly be so dull as not to ask, "What have you established in the room of all you have abolished; and how do you know that what you promise would be better than what I possess:" he would ask, "How came you to forsake all the blessings of your own liberty to come here, where you say there is none?" If the Jacobin should reply, that his universal philanthropy had induced him to become a voluntary exile, to relinquish the blessings of liberty at home, in order to preach liberty to strangers, the Englishman would probably ask, "What have you gained by your liberty, and what have you suffered? Is not your agriculture impaired, your manufactures and commerce ruined, poverty and want brought upon your citizens who have survived the prisons, or escaped the executions and the slaughter to which you have been led without distinction? Do you not at present mourn the loss of friends or relations, who have fallen by the hand of the executioner, or the sword of the enemy." He had heard much of the introduction of French money into this country, by Jacobins. The destruction of the Jacobins at Paris was once said to be the object of the war. That was now effected by the French themselves, for the Convention had shut up the Hall, and decreed that the Club should meet no more. Where were these Jacobins to get the money? If the situation of France were such as Ministers described it, even the Government could not afford to send money out of the country. But were the people of this country to be so calumniated as to say, that they were so easily to be deluded out of their principles, and out of their attachment to the institutions of their ancestors?

The next argument for persisting in the war was drawn from the increased and more vigorous exertions to be made by our allies, and the desperate state of the French finances. Much more vigor-

dus indeed than we had hitherto experienced muſt be the exertions of our allies, in order to be of much avail. Need he remind their Lordſhips that they did not now hear theſe arguments for the firſt time; that they had heard them often, and repeatedly been deceived? Every one of the declarations made by Miniſters had been contradicted by events. This did not reſt on his aſſertion. Let their Lordſhips look at the proceedings in the Diet of Ratiſbone. There they would find that the principal members of the Germanic Body, far from being in a condition to make more vigorous exertions, were convinced of the neceſſity of endeavouring to obtain peace. Even the Emperor, in quality of the Duke of Auſtria, did not ſeem averſe to peace, although his Miniſters did not directly accede to the reſolution. They propoſed a middle courſe, that the whole ſhould be referred to the Emperor, as head of the Germanic body. The Emperor did not oppoſe a propoſition for peace, he only wiſhed the time and the mode to be referred to himſelf. For this there might be weighty reaſons. He had not yet got the ſix millions our Miniſters had engaged to lend him. When he was ſure of the money, he might then think it a fit time to open negociations. Even the King of Pruſſia had acceded to the pacific reſolution, which was drawn up in the ſtrongeſt and moſt explicit terms. Could their Lordſhips hope for greater exertions on the part of theſe allies?—Even if they were willing, it was obvious that they were not able, and that their ſituations and proſpects, if the war muſt be continued, were much more deſperate than at the commencement of either of the former campaigns. With reſpect to the finances of France, he did not pretend to poſſeſs ſufficient information for ſuch a detail, as it would become him to ſubmit in argument to their Lordſhips: but his general concluſion was, that they were by no means ſo exhauſted, as Miniſters wiſhed us to believe. But, ſuppoſing them to be exhauſted, could we ruin the country?—Certainly not.—While there was property in the country, the Government would find means to get it, for the purpoſe of maintaining their armies; while the people were convinced that the war was a war of extermination, or ſubmiſſion to the will of a foreign enemy, they would ſacrifice their property; as, who among their Lordſhips, under ſimilar circumſtances, would not give up for the common defence nine-tenths of all that he poſſeſſed? If we could not ruin them in finance, could we hope to outnumber them? Their population was one-ſeventh of all Europe, and add to this the extenſive acquiſition they had made, with the poſſeſſion of all Holland, where they had not entered as an enemy, but been re-

ceived as an ally; where it was well known that the majority of the people were their friends; where they would receive substantial co-operation, and instead of having to retain the country as a conquest which it was necessary to guard. When he came to examine the other arguments, he found only attempts to excite their Lordships' passions. He had heard their feelings played upon, by telling them that they were embarked in the cause of humanity and of God. When we first embarked in the war, it might perhaps have been thought the cause of humanity, although he had never considered it in that light. It might have been imagined that we undertook it to save the life of an unfortunate, but much to be lamented Monarch. Soon, however, were we undeceived, and great reason had we to fear that the mode of our interference accelerated the cruel event we deplored.—But it was now called a war in the cause of humanity; Ministers had declared what had been the consequences of our hostility. It had produced, they said, the system of terror, at which they railed, and justly railed. It had produced the depreciation of assignats, and that was followed up by the system of fear, with all it horrid train of imprisonment, rapine, insurrection, murder, and massacre. They must then admit, that their policy had aggravated the evils they took up arms to prevent; that it had spread fear, oppression, and blood over the surface of France. If their system of war had produced all these consequences, let them not boast of it; let it no more be called a war of humanity. Was the death of fifty thousand British subjects who had fallen in the war, of hundreds of thousands of innocent soldiers on all sides, for to the soldiers could not be imputed the guilt of the leaders, they obeyed, a circumstance favourable to the cause of humanity? Last year it was said the system of terror could not last, and the prediction had been fulfilled. This year, a new set of men were in possession of the French Government, a new Committee of Public Safety acting on new principles, and Ministers then said the system of moderation could not last. A Committee of Government receiving so many new members every month in the room of others going out by rotation, that men might not be tempted to commit crimes from the hope of impunity in the permanence of their power, was something they could not possibly endure. Here, and he gave them credit for it, they seemed to be actuated by fellow-feeling. They could not but look upon a change of Ministers as a thing to be deprecated, as an evil never to be too much guarded against, however incapable or mischievous those Ministers might be. It was agreed on all hands that the present state of France was preferable to that

in which it had been very lately. Surely this was a circumſtance for humanity to rejoice in. But what was the language of our humanity? We ſaw a nation emerging from guilt and blood, its rulers confeſſing, in ſome inſtances puniſhing, and in many endeavouring to repair the miſchiefs they had done. Should we hail this as a favourable omen? Should we indulge in the proſpect of reviving reaſon and returning happineſs? Should we endeavour to obviate any difficulties our own conduct might have thrown in the way?—"No," ſaid Miniſters, "you ſhall not reſtore order and juſtice, but by our means; nothing ſhall ſatisfy us but carrying war to your frontiers, and famine to the interior." By this courſe we ſhall never conquer the armies or the opinions of France; but we might perhaps regenerate the ſyſtem of violence and blood. Were we to aſſume to ourſelves the taſk of puniſhing the French nation on the pretext of their impiety, which had ſo often been ignorantly dwelt upon as an argument for the war? It was not in preſence of the venerable Bench (of Biſhops) oppoſite, that he would ſay much on the other part of this topic; but if the principles in which his youth had been inſtructed were true, principles which he had ever been accuſtomed to hold ſacred, it was not for feeble and erring man to aſſume the office of diſpenſing the vengeance of God, and wreſt the thunderbolt of juſtice from the arm of Omnipotence. If theſe arguments had failed to make an impreſſion upon their Lordſhips, he was convinced it muſt be owing to his feeble manner of ſtating them, and not to any defect in the arguments themſelves. He ſhould now add a few words on his firſt propoſition, that to adopt his motion would tend to unite all the people of this country, if the war ſhould continue, and to produce a contrary effect among the people of France. During the domination of Roberſpierre, it was often urged, that when the terror of his deſpotiſm was removed, the people would declare themſelves in favour of Royalty—That prediction, like many others, had failed. Roberſpierre was gone—oppreſſion had no longer ſway, and the favourers of Royalty were leſs numerous than ever. During the deſpotiſm of Roberſpierre, there were conſtant inſurrections quelled only by maſſacres. Since that period inſurrection had ceaſed with the oppreſſion that provoked it. Even the war in La Vendee was almoſt extinguiſhed, and that not ſo much by force as by conciliation. When we took poſſeſſion of Toulon, and talked of carrying the war into the moſt diſaffected part of all France, when we reared the ſtandard of limited monarchy, did the people of the country come in to join us? Did we not ſoon find that the majority even of the inhabitants of Toulon itſelf, were

against us? When General Wurmser penetrated into Alsace, did the people rise to join him?—A small party negociating about surrending Strasburgh, were detected and punished. Did we find Royalists or friends to our arms under any denomination in Flanders? When Dumourier, the most popular General the Revolutionary army had then known, agreed to join the allies, how many followed him? A single regiment. Generals had been removed, accused, and executed; every thing, as far as related to their more favourite leaders, had been done by the Convention to disgust the armies; yet in no instance had they abated of that enthusiasm for fighting against the common enemy, which the idea that their country was attacked in order to be conquered, naturally inspired. While we left them in possession of the same motives for resistance, the same resistance they would continue to make. Take away the motive, and its effects would soon fail. It could not be denied that the war was less popular in this country than it had been, no matter to what extent; in proportion as it became unpopular, our exertions must be enfeebled. There were many who had never given it their zealous support. It was not by the Lords or Commons refusing the supplies that vigorous exertion could alone be withheld. This they could not do but at too great a risk to the country, even for a war of which they disapproved. But although they gave Ministers the supplies, they might not give their active co-operation; for that would be approving of the war in its principle, which he would never do, for then he should be implicated in all the butchery, and devastation, and slaughter, to which it had given birth. If their Lordships were to take the other course, and declare that they supported the war not for changing or dictating forms of Government for France, but to obtain equitable terms of peace; and the French people, or their rulers, obstinately persist in continuing the war, what feeling would actuate every Englishman, but that we were engaged in a war of necessity; that we were fighting for our liberty, for our existence; and that every sacrifice, and every exertion must be made? Instead of going on with mercenaries who, while coldly fighting on our side to-day, we know might fight against us to-morrow, if the French would pay a better price for them, we should fight our own battles like men who felt the value of the stake. The British troops had always fought, and always would fight bravely; but in this contest they fought not with the enthusiasm which the love of liberty inspires, because they knew that for liberty they were not fighting; they knew that they were fighting against the liberty of another people. What would be the

difference if the French were to attempt to conquer us? He should be told, perhaps, that they meditated the attempt, and reminded of speeches in the Convention to that effect; of their threatening to carry the war from the banks of the Scheldt to the banks of the Thames, and annihilate the British Government. Let their Lordships call to mind speeches they had heard in that House, as bitter and as extravagant, and then they would perhaps think that the former were meant as nothing more than retaliations for the latter. All the former language of Ministers held out, that we would never treat till the Jacobins were destroyed. The Jacobins were destroyed, and still we would not treat. What could the people of France or England infer from all this; but that we would never treat till we were allowed to dictate. The noble Secretary of State had said, that he would not refuse to treat with a good Republican Government in France; but how were the French to discover what he would think a good Republican Government, or how could they form such a Government if we continued to press them by war? They themselves had said that they would postpone forming the important parts of their Government till peace. Were their present Revolutionary Government to be destroyed, they would then have none; would we treat with them in that situation?—As the war became unpopular at home, as their Lordships must see it was daily doing, our energy in the prosecution of it would decline, for it was not the money of a country, but the hands and hearts of a people, that gave vigour and exertion. No man was energetic in a war of which he did not see the probable termination; and who could see the termination of a war, continued on the principle of razing a whole nation from the face of the earth? If their Lordships should adopt his motion, they would convince the people that the object of the French in persisting in the war must be to conquer us; for they had too many successes on the Continent to need any more for their own defence; and then we should join heart and hand as one man, we should be animated with equal enthusiasm, we should rise in a mass, if he might be allowed to use the French expression. Was there a man so cowardly of heart, so dastardly of nature, as not then to incur every sacrifice, to brave every danger? For his own part, he would sooner lose his life in defending his own liberty, than in attempting to take away the liberty of another. Among the arguments adduced to prove the bad state of France, was the excessive dearness of provisions, in consequence of the depreciation of assignats. He was of opinion, that the depreciation of assignats was not so great in itself, nor by any means such an inconvenience

to the French Government, as Ministers contended. But were French assignats the only assignats depreciated by the war? Our assignats were not the notes of the Bank of England, but our Stocks, and these had suffered a depreciation of one-third. Did we build our prospects on the hope of a famine in France? God avert a famine from that and every other country; and there was too much apprehension of scarcity at home, for that to be a topic which it would be adviseable to urge with the people as an inducement to submit cheerfully to the inevitable sufferings of war. Their Lordships knew of a resolution entered into before the Lord Mayor, and which had afterwards been laid before the Ministers, begging that he would exert himself to prevent the evils apprehended from the quantity of corn in the country not being equal to the consumption till harvest. He trusted we were in no real danger of want, but that very reflection should teach us not to exult too much at the prospect of its being the fate of others. He might easily excite their Lordships' passions, by representing to them the condition of the poor, and what they had already suffered in consequence of the war; he might tell them what he himself had witnessed, that many who before were able to obtain a comfortable subsistence by employment from the manufacturers, were not now able to get wherewithal to buy them bread; but he scorned to gain their assent to any proposition by agitating their feelings, when he could not succeed by convincing their understandings. He would not appeal to their passions, where he relied upon their justice. He oncluded with moving to the following effect: "That the existence of any particular form of Government in France, ought not, at any time, to preclude negociation, which might procure peace with France, consistently with the interest, the honour, and the dignity of this country."

Lord GRENVILLE paid a compliment to the candid and manly manner in which the noble Duke had introduced his motion, and conducted his argument in support of it; yet, the noble Lord said, he could not consistently with his duty to His Majesty, to that House, or to his country, avoid giving his sentiments in direct opposition to those of the noble Duke. He could not by any means bring himself to believe, that the present was a moment proper or convenient for this country, under the existing circumstances, to adopt the means of negociating, or forwarding negociation, by the mode pointed out by the noble Duke in the present motion. What appeared to him to call for some explicit declaration in the present moment, was the mis-statement and misapprehensions which had

taken place with respect to the sentiments of Ministers relative to the war. He declared that it had never been his opinion, that this country, through the medium of her Ministers or Executive Government, should be bound or tied up from makieg peace with France or any other Government with which it was at war, merely on account of the particular form of that Government, be it called Republican or any other name whatever; but still he contended, that it was essentially necessary for those who have the administration of the affairs of any Government in their hands, to take particular care, that in all the measures they pursued, and more particularly in a case of so momentous and highly important a nature, as that of negociating a peace between two great and powerful nations, they should never for a single moment permit to escape their sight, that most necessary and important of all concerns—Security. Ministers had as long as possible endeavoured to avoid hostilities, and had at last only undertaken them in order to repel an unjust aggression on the part of France. The object which they had uniformly professed to seek from the present contest was merely that which we had now stated, namely, that of security. This question of security was intimately connected with the consideration of the situation of the country, with which we were to treat. He still believed that a majority of the people of France were more inclined to Royalty than to any other form of Government, and in that view it had always appeared expedient to Ministers to hold out the idea of encouraging and strengthening the party in the interior of France, who were disposed to assist in restoring Monarchy. The re-establishment of Monarchy in France had always been held out in the opinion of individuals, and the public declarations of Government, to present the most effectual means of war, and the most probable hopes of peace. What indeed had been the origin of the unjust aggression upon this country, and what now precluded all security in treating, but the state of anarchy, confusion, and disorder, in which France was involved; and which could only be remedied by the return of some stable form of Government. But though a Monarchy would certainly be deemed preferable, he defied any one to produce a declaration on the part of Ministers, that they never would treat with any Government, under whatever form, that was capable of maintaining the accustomed relations of peace and amity with other countries. As to the question upon which the noble Duke rested so much, whether any peace was ever permanent? and which he thought itself an irresistible argument, perhaps he should be able to convince him, before he sat down, that this reliance was

not ſo irreſiſtible as it had been imagined. Could any man deny that there were different preſumptions of permanence? Were the ſecurities of all equally valid? was not the bond of one man preferable to another? Lord Grenville ſtated, that in one ſenſe he had no objection to adopt the declaration that had been propoſed by the noble Duke. He had no objection to it as ſtating a general queſtion of peace and war, but he objected to it as a ſpecific declaration applying to the particular. Who could poſſibly differ from the propoſition, that peace ought to be ſought whenever it could be had conſiſtently with the honour and ſecurity of the country? But the point at iſſue was, whether the ſtate of the internal Government formed any part of our conſideration, before we could be induced to treat with any rational proſpect of ſecurity. The affirmative we muſt decidedly admit, unleſs we were prepared to ſay, that the ſecurity in treating, depended not upon the characters of the perſons with whom we ſhould negociate, but wholly upon the terms of the treaty. The queſtion appeared to him of ſo much importance, that he thought it eſſential, diſtinctly to ſtate what were his ſentiments on the ſubject. The reſolution of the noble Duke, was merely a general abſtract proproſition, which had no reference to the circumſtances of the time, and upon which it was impoſſible to act. His Lordſhip ſaid, that he had a Reſolution in his hand, which he intended to move by way of amendment to that offered by the noble Duke, and which he then begged leave to read to the Houſe. Here his Lordſhip read the Reſolution—

"Reſolved, That under the preſent circumſtances, this Houſe "feels itſelf called upon to declare its determination firmly and ſteadily to ſupport His Majeſty in the vigorous proſecution of the preſent juſt and neceſſary war, as affording at this time the only reaſonable expectation of permanent ſecurity and peace to this country; and that for the attainment of theſe objects, this Houſe relies with equal confidence on His Majeſty's intention to employ vigorouſly the force and reſources of the country, in ſupport of its eſſential intereſts; and on the deſire uniformly manifeſted by His Majeſty to effect a pacification, on juſt and honourable grounds, with any Government in France, under whatever form, which ſhall appear capable of maintaining the accuſtomed relations of peace and amity with other countries."

This reſolution he avowed to be the ſame which had the day before been moved by his right honourable friend in the other Houſe. He ſaid, he thought it of importance to ſtate preciſely the ſame words, in order to prevent any miſconſtruction, and that as there was an

exact agreement of principle, there might likewise be the same coincidence of expression. The first point to which he adverted was, how far France might be disposed to treat with this country? And here he referred to all the speeches in the Convention, to all the declarations of their Government, and to all the changes of their parties, which bore one unvarying aspect of hostility to this country. What is the language there on that subject? Let us make peace with that power; but to concentrate our forces for the destruction of the new Carthage—let amity be courted with others, but let England be annihilated. There was a Report made in one of the Committees of Government, that the Convention are determined to prosecute the war against this country with the utmost vigour.—[Here the noble Lord adverted to the Report.]—The only peace the French meant to expect was, on the reduction of all their enemies, and that in such a manner as that they would never be able to lift up their heads against them, he did not dwell particularly on this paper, there were many others, he said, expressing their hostile intentions to this country, and he would ask their Lordships whether this, the moment of ill success, was the proper time to treat with them? He maintained that it was utterly impossible, unless in a manner most injurious to the dearest interests of this country, which he was sure no man in this House would wish. Still, if the terms were such as he could depend on, he declared that he would not set his face against them. But we were not to pass over without considering by whom the present Government of France was conducted. His Lordship now said, he came to what was called Moderatism; what then does the noble Duke mean, if this country had treated with any one of the parties which successively ruled France? Does he not see that their successors always made it a point to change, as much as possible, the measures of their predecessors, and, in short, to overturn every thing which they had done? The very men in France now who held the reins of Government, had but narrowly escaped from the guillotine about six months ago. The Moderatists, he remarked, stood between two sets of adversaries; the first, those who wish to follow up the system of moderation, and to restore the reign of order, justice, and religion; the others, those who wished to recal the sanguinary system of terror, and to establish their own authority on proscriptions, confiscations, and massacre. How little reliance was to be placed on the stability of the Republic, might appear from a circumstance which he had received by his last accounts from Paris. A debate had taken place in the Convention, the result of which was, to send to the Revoluti-

onary Tribunal, in order afterwards to be fent to the guillotine, a man who had publifhed a Dialogue, ftating a doubt whether the majority of the people of France were moft inclined to a Monarchy or a Republic, and propofing that the queftion might be fubmitted to the Primary Affemblies for a decifion. How then could it be affirmed, that the people of France were unanimous for a Republic, when the point was called in queftion, even at the gates of the Convention, and thofe who dared to fuggeft a doubt upon the fubject, were punifhed with death? This, the noble Lord faid, was a fufficient proof to him, that the prefent rulers were equally as defpotic and as fond of thofe fcenes of maffacre and bloodfhed as thofe who had gone before them, and that they were very near as far from that ftate of permanent and rational Government, as all thofe with whom His Majefty's Minifters had hitherto thought that it would be unwife and impolitic to treat. That the fanguinary parties had been annihilated who could think, that obferved the tedious procefs and long ftruggle to convict and punifh a monfter, at whofe unparalleled enormities nature fhuddered—he meant Carrier.

It was neceffary alfo for him to allude to the utter contempt with which this moderate party had treated religion. A writer among them, who had juft been liberated from prifon, he would not name him, had thought proper to write upon the religion of that country. He had faid, "That a feafon of calamity more particularly led men to feek the confolations of religion, and, he added, that of all countries upon the globe, France was that moft deeply interefted to feek them." I cannot avoid, faid his Lordfhip, adverting alfo to a motion of Gregoire, for a toleration of Chriftianity in France, though I forbear to fhock you with a repetition of the fpeech by which it was anfwered, or the mention of the fpeaker's confideration in the Government; fufficient for me to obferve, it was got rid of by the order of the day; and the Committees were ordered to prepare immediately a plan of their Decadary feafts, a fort of Pagan celebration, by which the people were taught to difregard all the ceremonials of Chriftianity; nay, it was exprefsly conditioned with ingenious inhumanity, that no more Priefts fhould be liberated until thefe feftivals were adjufted.

The noble Duke had treated lightly the circumftance which had been ftated of their inability to carry on this conteft; but he, and every one who would take the trouble of reading their accounts, would find it clearly ftated by Cambon, in his report from the Committee of Finance; and fo differently does he confider the depreciation of their affignats, that he pofitively mentions it as an alarming

grievance, which some efficient means must be immediately adopted to remedy. Assignats had fallen so low, that now for every 100l. there was a loss of 82l. or 85l. and to corroborate this assertion, he referred to the Report of Johannot upon the finances of the country. He noticed, after that Reporter, the enormous deficit of their commerce, the produce of their colonies gone, the manufacture of Lyons ruined. The manufacturers who had once been so profitable to the State, had lately earned their bread as labourers, and by what sort of employment, by demolishing, in conformity to the decree of the Convention, the houses of that once famous and opulent city. His Lordship said, the noble Duke who brought forward the present motion had acknowledged with a candour and manliness which did him the highest honour "that he would be as far as any man in the kingdom from suing for peace;" whereas his Lordship contended that, in his opinion, for this country, at the present moment, to offer terms of negociation, would be little short of doing what the noble Duke averred, and he really believed he would not do. Would not, his Lordship said, an offer of peace at this moment strongly seem to indicate that our finances were exhausted, and that we were no longer able to bear the burden of the war? His Lordship was clearly of opinion that it would; and so far from that being the case, he spoke with the highest and best-founded exultation, when he averred that our resources were in a state very far preferable to those of the French. For, whatever might be said of the reports of the French Convention, by people in this country, it was extremely evident, from the words of their own Members, that agriculture was at a stand, manufactures no more, and commerce annihilated; this his Lordship proved, by reading words to that effect, spoken by a Member of the Convention, whose name his Lordship declined to mention. The noble Lord then adverted to the report of Johannot, and said that, notwithstanding this report held out the resources of the French to amount to 500,000,000l. sterling, yet their immense expenditure had been such, during the last two years, as to keep at least an equal pace with it in magnitude. But it had been said, that the effect of the present system of moderatism, had been to throw the odium of all the former cruelties upon the faction of Roberspierre, and to procure to the existing Government the affection and confidence of the people. But in what were their resources stated to consist? In the immense confiscations that had taken place during the prevalence of the system of terror—confiscations not drawn from the Crown lands, the church lands, the property of the exiled nobility, but from those who had re-

mained in the country, and whofe crime it was to be poffeffed of wealth. The heirs of thofe perfons had applied to the prefent rulers to reftore their property thus cruelly and unjuftly taken; but had been peremptorily refufed, and were left to pine in poverty and diftrefs amidft thofe ample domains of which their fathers had once been the owners. Could thofe perfons be fuppofed to be attached to the prefent Government? He did not wifh to throw any unmerited obloquy on the new fyftem; the truth was, that it was much lefs violent and unjuft than that which it had fucceeded, and fo far we were in a fituation lefs remote from that in which we might be able to treat with a rational profpect of fecurity. Till that period arrived, which he yet conceived to be far diftant, he was of opinion that a vigorous profecution of the war, was preferable to any attempt to negociate. The moment of ill-fuccefs was not that in which we ought to folicit for peace. He remarked with much fatisfaction the animated manner in which the noble Duke had declared that he fhould fupport the war, if France fhould demand unreafonable terms. Could fhe, in the prefent moment, be expected to propofe any terms, which an Englifhman would accept, or a Member of that Houfe advife to be adopted? If we fhould make peace from a fenfe of prefent preffure, the injury muft be great, and the indignity ftrong, which would again roufe us to refentment. But could we make peace with any fenfe of confidence or feeling of fecurity? If in fuch circumftances we fhould treat, we fhould experience all the difficulties of war, and enjoy none of the advantages of peace. Were we prepared to rifk the confequences of being again inundated by French miffionaries and French principles? From the whole view of the fituation of both countries, he thought no alternative preferable to that of a vigorous and fteady profecution of the war.

As to that charge which was brought againft him of *bellum internecionum*, he deprecated the very idea of it; but furely this nation would ftand in the moft humiliating fituation, if we had confeffed that we were unable to carry on the war—a war which was begun againft the liberty and conftitution of this country. But with refpect to the liberty of France, it was a downright fatire on liberty. Whenever their form of Government was in fuch a fituation as to afford reafonable ground for fecurity, then, and not till then, would he ever condefcend to treat with them.

His Lordfhip declared, that he muft at prefent fet his face againft all idea of negociation for peace, becaufe he thought there was no power exifting in France which could, by any means, promife to

insure us that tranquillity and security so essential to the interests and happiness of the country; for, notwithstanding he believed that the great body of the people of Great Britain were so attached to the constitution, that they would not easily be induced or prevailed upon to submit or destroy it, yet there certainly were considerable numbers who were not so friendly to it as they ought to be, and might be wished; and as the present French rulers had so frequently said of late, that the modern Carthage, alluding to this country, must be destroyed, he would never think it safe to negociate, till there was a governing power in France on which some reliance could be had of obtaining the security for permanent peace, amity, and reciprocal national advantages.

His Lordship concluded with moving the resolution which he had intimated in the early part of his speech, and with desiring certain passages from the Speeches and Declarations of His Majesty to be read by the clerk.

[We have thought it less necessary to enter into the detail of his Lordship's speech on this occasion, as precisely the same facts and documents will be found to occur in the speech of the Chancellor of the Exchequer the preceding day in the House of Commons; which see in its place.]

The Duke of NORFOLK requested the attention of the House whilst he made a few observations. There were now before their Lordships not one motion, and, as had been said, an amendment to that motion, but in reality two distinct specific motions. His Grace observed, that when he came to the House, he expected to have heard only one motion debated, he meant that brought forward by the noble Duke, and he expected also that it would have been fairly met, candidly argued, and finaly disposed of, either by a fair adoption or rejection, or else by the usual mode of the previous question. The motion thus brought forward by the noble Duke, his Grace said, he believed was only intended to do away that bar which seemed to be laid in the way of peace by a certain part of the speech delivered by His Majesty to both Houses of Parliament, on the first day of the present session, which conveyed an idea that no peace could be entered into with the present Government of France. If this motion of the noble Duke was to pass, his Grace said, that a very weighty impediment to a negociation for peace would be thus removed; and as the amendment, as it is formed, in his opinion, was a very uncandid way of substituting another motion by way of getting rid of the first by a side wind,

and in some measure to preclude any matter of that importance from coming from any other quarter than Ministers themselves; his Grace said, he should certainly give his most strenuous support to the original motion, and at the same time beg leave to animadvert on some of the arguments of the noble Lord who opposed it.—The nature of the amendment was that of saying, that we shall treat with France when we should be satisfied that the Government was such as could give us security for a safe and honourable peace. Now this appeared to him to be a very dangerous proposition, and a very vague one too; for at what time, and how were we to express our satisfaction with the Government of France, and consent to negotiate. It was dangerous, because it conveyed it to be the opinion of that House, that with the present Government of France we should not negotiate, and might tend to deluge that country with blood. His Grace observed, that the noble Lord adduced one instance of the present rulers of France having shewn themselves enemies to liberty by decreeing, "that a man should be taken before the Revolutionary Tribunal for having published a pamplet, by way of dialogue, in which he had asked the question, whether a predilection for Monarchy was not prevalent among the French people, and desired the primary assemblies might be called for the purpose of determining the question." But, how did the noble Lord prove this? Surely not by the fact itself; for, supposing that in the year 1745 any person in London had published a pamphlet in which he had asked, whether the majority of the people were not of opinion that the King then on the Throne should be sent back to Hanover, and that the next heir of the Stuarts should be set in his place, and had desired that County and other meetings should be called to determine the question. His Grace asked whether in this country such a person would not have been called to account to the laws of this country by being tried for high treason? surely he would. Nay, said his Grace, take it even in the present day, and suppose a person should publish a book by way of dialogue, in which he should ask, if the majority of the people did not think that Monarchy and aristocracy should be abolished, and a Republic like that in France, be substituted in its stead? would the noble Lord tell him, that he was an enemy to his country, for desiring this man to be made amenable to his country, and tried for high treason? surely not. The book was not before the House, but his Grace said, he had no doubt, that if it was, it would be found to contain a considerable quantity of treason against the present Government in France. Such arguments, therefore, were

totally futile and unavailing, and ought not to weigh with any one. The amendment was vague, because it stated not that form of Government with which we should negociate. The motion as originally proposed, only went to open the way, and to make a negociation possible, and therefore he should dissent from the amendment, and vote for the original motion. His Grace then took a short view of the war, and expressed himself dissatisfied with many parts of the administration, and particularly with regard to Holland, which, he was of opinion, we had lost for want of able counsels and good policy. An idea had gone forth, and was generally received, whether true or false, was not what he should inquire into at this moment, that we were not disposed to make peace with France until her ancient despotism was restored. Let that idea be done away at once, and some advantages might follow. His Grace said, that in his opinion, according to the present situation of this country, a negociation for peace was desireable; and as the motion brought forth this evening by the noble Duke tended to do away a very great and important bar to such negociation, the original motion made by the noble Duke should have his hearty support.

The Earl of DARNLEY differed in opinion with both the noble Dukes, and supported the amendment. His Lordship observed, that it was unnecessary for him to enter so much into the detail of the existing circumstances which operated so strongly against the motion brought forward by the noble Duke as the noble Secretary of State (Lord Grenville) had done, and therefore he would not take up the time of their Lordships by so doing. The noble Lord said he could set aside and overturn all the arguments urged in favour of the original motion by asking two questions, to neither of which, he believed, any answer could be given. These questions were—first, With whom shall we treat? and, if that was answered in the affirmative, the next was, Will they treat with you? His Lordship did not believe a direct answer could be given to either of these questions. Ministers were ready to negotiate with any Government in France, capable of affording the necessary relations of security and amity: that thing called Government in France, is not so, but a mixture, he observed, of tyranny and anarchy. Will Englishmen, said he, stretch their defenceless hands to those that expresly declare, that their object is the subversion of this Government?—Does not the pressure of events, and rigor of the seasons, said he, clear the Ministry from the blame of mismanagement in the conduct of the war? He concluded by voting for the amendment.

The BISHOP of LLANDAFF ſaid, I ſeldom trouble your Lordſhips, and I never do it without apprehenſion. I am fearful, leſt the public opinions of ſo retired and unconnected an individual as myſelf, ſhould be thought unworthy the attention of the Houſe; and I am fearful alſo, leſt any interference in politics ſhould, by ſome, be conſtrued into a ſtepping out beyond the line of my profeſſion. Occaſions, however, of great national importance will ſometimes occur; on theſe I ſhall always think it my duty to come forward, and I conſider the preſent as one of them: I conſider the junction of the marine of Holland to that of France, as a danger of the greateſt magnitude.

We are unfortunately, my Lords, engaged in a war, which has frequently, and with great confidence, been called a juſt and neceſſary war; it is called ſo by the noble Secretary in the amendment which he has this day made to the motion of the noble Duke. Men will differ greatly in their notions of the juſtice of war, according to the different views of the extent of moral and religious obligation. For my part, I conſider the juſtifiable occaſions of going to war to be few, very few, indeed. I admit that war is not abſolutely forbidden by the letter of the Chriſtian religion; but I am perſuaded, that when the ſpirit of Chriſtianity ſhall exert its proper influence over the minds of individuals, and eſpecially over the minds of public men, in their public capacities; over the minds of men conſtituting the Councils of Princes, from whence are the iſſues of peace and war, when this happy period ſhall arrive, war will ceaſe throughout the whole Chriſtian world. And of this, my Lords, I am confident, that no war can be juſtified on any principle, either of revealed or of natural religion, till indemnity for paſt injury, and ſecurity againſt future aggreſſion, have been demanded and refuſed; till every means of accommodation have been tried—tried with a ſincere diſpoſition for preſerving peace, and tried in vain. Whether this principle was or was not properly attended to in the beginning of our differences with France, is better known to the King's Miniſters than to me. I am happy to hear from the noble Secretary that it was. I have no wiſh to impeach any man's character; but I am not ſo ignorant of the Law of Nations, as not to know, that on the proper or improper attention which was paid to this principle, depends the juſtice or injuſtice of the war.

I perceive, my Lords, that if I was fully to ſtate to your Lordſhips all my ſcruples concerning the juſtice and concerning the neceſſity of the war—for they are diſtinct queſtions, ſince a war may be juſt without being neceſſary, though it cannot be neceſſary without being juſt—I ſhould treſpaſs more than I ought to do on the

patience of the House, especially as your Lordships have long ago come to a determination on the question. To that determination I bow with respect, and quit the subject. I may be suffered, however, to remark, that, in my opinion, Great Britain, after the unsuccessful efforts of Prussia and Austria in the first campaign, nay, at any period before we had actually broken our neutrality, that Great Britain might have interposed her good offices between the contending parties, with great propriety, and with great probability of effect. She might have said to France, "Your fraternizing system must be given up; it disturbs the tranquillity of the world; it breaks asunder the bonds of all civil society; your ambition must be restrained, and your schemes of aggrandizement abandoned; neither Savoy, nor Brabant, nor Holland, not an acre of territory, must you possess, beyond what you possessed during the Monarchy." This, my Lords, we in fact said, by our deeds to France; but there we stopped: we did not add, as we ought to have done—France shall be at liberty to exercise the sacred right which belongs to her, and to every other independent State—the right of determining for herself the form of Government by which she shall be ruled. Great Britain will not only respect this right, but she will endeavour to prevail on other nations to respect it also: she will also prevail on Prussia and Austria to withdraw their troops. This, my Lords, would have been a conduct worthy the magnanimity of a free nation. I may be told, that had the attempt been made, it would not have succeeded. But I have not that opinion of the political wisdom of any individual, to believe him on his bare assertion. I think it would, and for this reason—it would have been for the interest of all parties to have acceded to such an honourable mediation.

With respect to the origin of the war, it is said to have arisen from a concert of Princes, confederated to dismember France, and to annihilate the liberty of Europe. Without farther proof than has yet come to light, I cannot believe this: I cannot, at least, admit for a moment, that the King of Great Britain would, either directly or indirectly, have given his consent to so nefarious a project; nay, I will do the Minister of the country the justice to say, that I believe him to be wholly incapable of either proposing or patronizing such a scheme.

That the war was begun by the Princes of the Continent, and entered into by ourselves, with a view of stopping the propagation of democratic principles, is a proposition which I believe to be true. There may have been some other causes (to say nothing of pretences) for the war; but I take this to be the chief; nor do I see any dis-

honour in avowing it. Every Government has within itſelf an inherent principle of ſelf-preſervation: from this principle ſprings a right of reſiſting every attempt which evidently tends to the ſubverſion of eſtabliſhed Governments. But that war is either the only, or the beſt means of impeding the progreſs of democratic principles, is certainly not a ſelf-evident propoſition; and how aſſured ſoever ſome men may be of its truth, to me it is not a probable one; an unſucceſsful war is more likely to accelerate than to impede the progreſs of democratic principles, and a ſucceſsful war will not ſtop them. The hiſtory of the world informs us, that opinions are not ſubdued but confirmed by perſecution; they are ſeated in the mind, and the mind is not ſuſceptible of change from that coarſe inſtrument of Government—force. They yield to lenity, to reaſon, to experience; and in this enlightened ſtate of Europe, the thrones of deſpotic Monarchs will be better protected by a ſeaſonable attention to popular requiſition, by a relaxation of the reins of deſpotiſm, than by all the ſtanding armies which they can collect around them.

But let the Miniſters of the Continental Powers reaſon on the ſubject as they think fit, the Miniſter of the King of Great Britain, or any other honeſt man who had acceſs to him, might, with the greateſt truth and honour, have ſaid to him, and might ſtill ſay to him, "Sire, your Majeſty's ſituation is eſſentially different from that of the Princes of Germany, and from every other Monarch in the world; you, and you alone, reign over a free people; you reign in the hearts of a loyal people, by your perſonal virtues; and you reign in their hearts, by a ſtill ſtronger title to their regard.—You are an eſſential conſtituent part of that conſtitution which they admire, for the eſtabliſhment of which their anceſtors ſhed their blood, and for the preſervation of which they are ready to pour out their own. There may be a diſcontented body of men, but the cauſe of their diſcontent may be removed with perfect ſafety; there may be a few ſeditious incendiaries in your kingdom, for no kingdom is without them; but they are too inconſiderable in number, property, character, and connection, to afford any reaſonable ground of alarm. The weighty arm of the law will cruſh the diſturbers of the public peace; and the prodigious majority of the people, who deteſt a Republic, will abaſh the propagators of opinions ſubverſive of the conſtitution." I know not, my Lords, that the Royal mind was ever diſturbed for a moment with perſonal apprehenſions; I hope it was not; but if it was, I think, in my conſcience, that it might have been tranquilized by a juſt repreſentation of the ſuperior ſituation in which His Majeſty ſtands, when compared with that of every other Monarch in the world. Arbitrary Monarchs may

tremble at the subversion of tyranny—the King of Great Britain has nothing to fear but from an attempt, which, on my honour, I believe him perfectly incapable of making, from an attempt to subvert the liberty of his people.

What, my Lords, is our Magna Charta and the Bill of Rights?—Is our trial by jury, which no constitutional man will vilify even in thought—is the Habeas Corpus act, which no constitutional man will agree to suspend even for an hour, except in cases of extreme necessity—is the integrity of our Courts of Justice, a circumstance unparalleled in the annals of nations—is the equality of law, which unites in the same bond the peasant and the Peer—is the freedom of the press—the liberty of religion—the provision for the poor—are these, and innumerable other blessings, so little known, so ill appreciated by the people of Great Britain, as to render a foreign war necessary for the preservation of that constitution from which they are derived? No; I do not believe it; I will not say it, for in saying it, I should calumniate the character of an enlightened people. There is no body of men, aristocratical or democratical, Churchmen or Dissenters, in this kingdom, which would wish to exchange our Assizes and our Sessions, for Revolutionary Tribunals; our Houses of Parliament for Committees of Legislature and General Safety; our beloved Monarch for a Roberspierre! This nation has enjoyed, for near a century, much prosperity, much tranquillity, much civil, much religious liberty, under the mild and equitable Government of the Princes of the House of Brunswick. Who but a madman would wish to risque the exchange of these blessings for he knows not what?—Would wish to exchange this illustrious Family for the upstart progeny of some flagitious demagogue? Alarms of this kind are fit stuff to constitute the dreams of old women and children; they do not affect my mind. There are other causes of alarm, less observed, but more portentous, which penetrate my heart. If any thing has happened in the course of this century which has lessened, or which tends to lessen, in the minds of the people, their confidence in the House of Commons, as uncorrupt and careful guardians of the public purse—if any thing has happened which has lessened, or which tends to lessen, in the minde of the people, their confidence in the House of Lords, as a wise and independent Aristocracy, well calculated to protect the constitution from the incroachments of Monarchy on the one hand, and of Democracy on the other—if any thing has happened which has lessened, or tends to lessen, in the minds of persons of all ranks, their veneration for religion—religion, my Lords, is the only basis of every Government; for you may as well attempt to build a city without a foun-

dation, as to preserve a State without religion—if any thing of this kind has happened, surely it becomes the Legislature to advert to these things speedily, seriously and dispassionately. I know there are many wise men who look upon our national vices, and constitutional defects, as irremediable evils, which will increase, till some dreadful catastrophe shall burst the imposthume, and cleanse the corruptions of the body politic. I am not of that desponding opinion; we are not yet arrived at that state of political profligacy which the Romans had reached, when their historian describes liberty and public probity succumbing under the corrupting influence of wealth and power; it cannot yet be truly said of us, as it was of them, *Ad id perventum est, at nec vitia nec remedia pati possumus.*

The wisdom of this and the other House, co-operating with the wisdom of the King, may find remedies for all our evils; we are still a wealthy, a brave, and a free people; let us keep our wealth at home for our own occasions; let us exert our bravery at home in our defence; and let us be watchful of our own liberties, and sincerely willing to participate our freedom with every nation under Heaven, and we shall have nothing to fear from all the Republics in the world.

What is there so enchanting in Republics, that we should be apprehensive lest the people of this country should be seduced from their attachment to the constitution, by contemplating the Republic of France! In its present state, it is an object of terror and abhorrence to every man, however exalted, however abject his condition. In the present aristocratical Republics of Europe, every one who knows any thing of the subject, knows that the freedom we enjoy is not enjoyed in them. In the democratical Republics of ancient times, and especially that of Athens, we may see something like a prototype of the French Republic: it was a dreadful tyranny exercised by pestilent men, through the instrumentality of the multitude, exercised over valour, learning, justice, over every thing that was great and excellent among mankind. But I shall be told, that the representative Republics of America and France are essentially different from all Republics of either ancient or modern times; that they are machines of Government, built upon a new construction. Be it so; I cannot now stop to examine either their excellencies or defects; it is enough for my argument, it is enough for the people of England to know, that they are new—their novelty renders them suspicious; when these machines shall have gone on for a century, as well as their most sanguine admirers can expect, it may be soon enough then for our posterity to examine whether the people enjoy

under them more solid blessings than they themselves will then, I trust, enjoy under the present constitution of Great Britain.

My Lords, we are all agreed.—I do not, by all, mean every individual in the kingdom; but I do mean all the individuals, without exception, in both Houses of Parliament; and a vast majority of the people out of Parliament are agreed in the pursuit of the same object; and that object is,—the preservation of the Constitution—I give equal credit to all parties on this head, and I should think myself destitute of candour and of justice, if I did not. I know, my Lords, that the connections, (I speak not of the leaders of both parties) transgress all bounds of moderation in their judgments of each other.—The adherents of Administration endeavour to exhibit the opposers of public measures, as men hostile to the peace and tranquillity of the country; as men of Republican principles; as secret subverters of the Constitution.—The adherents of opposition endeavour to represent the Ministers of the Crown, and the majorities in Parliament, as men destitute of public probity, careless of the public safety, and anxious for nothing but the preservation of their places, and the accumulation of riches and titles—This, my Lords, is not a time; indeed, there is no time for it; but this especially is not a time to struggle for the retention, or for the acquisition of power, by calumny and misrepresentation. We are all agreed that the Constitution ought to be preserved; we differ as to the means of preserving it. Some are of opinion, that the Republic of France must, at every risque, be destroyed, lest its establishment should be followed by the subversion of every Monarchy in Europe, and of our own amongst the rest. Others see no probability of such a consequence; can discover no connection of cause and effect, between the establishment of a Republic in France, and the subversion of the subsisting Governments in other countries.—On the contrary, they are of opinion, that the miseries which the French have hitherto experienced, and which, if left to themselves, they probably would continue to experience under a Republican Government, would, in a few years, make them, as similar evils made our ancestors, revert to some species of Monarchy, and would effectually deter every other people from following their example.

It would be an indication of great boldness in the most consummate statesman; it would be arrogance and presumption in me, peremptorily to determine which of these two opinions was most founded in truth. I am inclined, after considering the matter with perfect impartiality, and with the best ability which God has given me, to adopt the latter.

I find fault with no man for differing in opinion from me on any

subject; and I trust those noble personages, whose political principles I have been through life accustomed to revere, and of whose political, as well as private, probity, I entertain the highest opinion, will find no fault with me, for differing from them on this important occasion. If my opinion had been wavering, I would have suppressed it;—it is decided, and I think it my duty to declare it. My decided judgment is, that the establishment of a Republic in France will not endanger the Constitution of Great Britain; and I am further of opinion, that a perseverance in shutting the door of negociation, in prosecuting an expensive war, will shake the stability of the Throne, and endanger the independence of the nation.

But it will be urged,—a declaration of our disposition for peace will be a degrading and an humiliating measure. I look upon it in another light. I consider it as a christian effort of an humane people to put a stop to the effusion of human blood?—but it will be a fruitless overture;—no man can tell what fruit it will produce;—it may not produce peace, but it will be attended by two consequences, either of which is of sufficient importance to induce us to make the trial;—it will diminish animosity abroad, and it will lessen discontent at home.

The French are animated to madness against this nation. I inquire not into the cause; the fact is certain: but when they hear that we are ready to treat with them, they will know that the calamities which they suffer are not of our creating; and if the overture is rejected, the people of Great Britain will know, that the burdens which they sustain are unavoidable. But there will be a want of firmness in changing our system—A perseverance, my Lords, in measures originally wrong, is not magnanimity, but obstinacy;—a perseverance in measures originally right, but which circumstances have rendered, probably, unattainable, is not a mark of wisdom, but of folly.—It was a mistaken idea of the dignity of firmness which lost America to this country;—it was the same mistaken idea of the dignity of firmness, in not attending to the just complaints of the people, which has broken the golden pillars of the Church, and tumbled into ruins the Throne of France. Let us grow wise from our own experience, and from observing the misfortunes of others.

But shall we suffer the bloody tyrants of the Convention, and their no less bloody associates in every province, town, and village of France, to escape unpunished? I like not harsh language on any occasion; it tends only to widen differences: but those men are not answerable for their conduct to us; their own nation are their judges; nor will they escape unpunished, though they fall not by the axe of the executioner; to the justice of God we commit them; or rather,

as becomes peceable men to say, to his infinite mercy we commend them; may he grant them repentance, and forgive the enormity of their sin!

But the resources of France are exhausted, ours are still great, and one campaign more will finish the business with success.—All this is assertion, without proof; it is an improbable prophecy: but admit it to be true in all its parts, let us see what will follow; for it is a main part of deliberative wisdom to respect the end of measures.

Suppose, then, the unfortunate Louis to be placed, by our efforts, on the throne of his ancestors, surrounded by his nobles in the plenitude of their ancient privileges; the bastile re-erected, and the people of France,—Heaven avert that part of the event!—once more crouching under the rod of despotic power, what advantage will Great Britain derive from this change? The King of France cannot restore to us thousands, and tens of thousands, of gallant men, who have perished in the contest; nor will he send us a colony of his subjects to replace the numbers which the State has lost.—Will he repay into the Exchequer of Great Britain the millions, and tens of millions, which have been expended, or tax his own people, in order to ease our shoulders from the burdens we must sustain on his account?—No; whatever may be his gratitude, he will not have the ability to do this.—Will he give up his West-India islands to indemnify us for our losses? No; he will not rob his Crown of so bright a jewel; his people will not suffer it; Spain will not permit it; Holland, if she is allowed a voice, will exclaim against it; all the powers of Europe, already too envious of our prosperity, too jealous of our greatness, (I verily believe we have not one cordial friend in Europe) they will all conspire to prevent our receiving such an additional source of naval and commercial strength. I profess I do not see any probability of our ever regaining a single guinea of what we have spent, though the re-establishment of the ancient Monarchy, or of a limited Monarch, should, by our means, be effected to-morrow. But, I may be told, that the war was begun, and is continued, not so much for the re-establishment of the French Monarchy, as for the security of our own.

I have already delivered my opinion so explicitly on the little connection there is between the establishment of a Republic in France, and the subversion of the English Constitution, that I will not dwell on this point any longer.

But this is a war of religion against Atheism and infidelity.—Gracious God! How great is the presumption of us, miserable mortals! The Almighty Creator and Conservator of the Universe wanteth not the arm of flesh to secure the reality of his existence,

or the honour of his laws. He gave a commission to the Israelites to exterminate the Canaanites for their wickedness and idolatry; but he hath given none to us, or to the Princes of Europe, to exterminate the French for their cruelty and infidelity. Vengeance, as a noble Duke rightly observed, and with a sense of religion which adds honour to his rank, vengeance belongeth not to man; or, in the words of Scripture, "Vengeance is mine, I will repay," saith the Lord.

Allow me, my Lords, for a moment, a word on the subject of French infidelity; it certainly will not be a word of excuse or extenuation; it will be a word of comfort and consolation to every sincere believer in the Gospel of Jesus Christ. I am then, my Lords, full of hope, full of expectation, grounded on some knowledge of the Scriptures, that this abandonment of all religion in France will be followed in due time, in the time known only to the *Ancient of days*, by the establishment of a purer system of christianity than has ever taken place in that country, or perhaps in any other country, since the age of the Apostles. Voltaire, Rousseau, Helvetius, Diderot, and the rest of the philosophers in France, and perhaps I may say, many in our own country, have mistaken the corruptions of christianity for christianity itself, and in spurning the yoke of superstition, have overthrown religion. They are in the condition of men described by Plutarch; they have fled from superstition; have leapt over religion, and sunk into Atheism. They will be followed by future Newtons and by future Lockes, who will rebuild, with more than mortal strength and beauty, the altars which the others have polluted and thrown down; for they will found them on the pure and unadorned rock of Christian verity, and the attacks of infidels shall no more prevail against them.

I beg pardon for this digression, (and I am sure I shall be forgiven it when I consider the attention with which the House, participating in his feelings, listened to the noble Secretary of State, when he described, with so much truth, the present irreligion of France,) and return to the subject of debate. My opinion is, that we should make the most vigorous preparations for war, by land and sea, and especially by sea; that these preparations should be accompanied with a real disposition for peace. Thus prepared, and thus disposed, we may boldly say to France, "Peace or war; take your choice." Let not our enemies triumph at this declaration, or mistake our meaning. We wish for peace, but we wish for it on their account, on the account of general humanity, as much as on our own. We wish for peace, but we are prepared for war; we are neither disheartened by their successes, nor intimidated by their menaces; our

resources are not exhausted, our courage is not subdued. They build much upon our divisions; they will find us not divided in resisting them. Would to God that my voice could reach the Convention, when I say, that the people is with the Crown, and that the Crown is with the people, and that both are with the Constitution. All parties are united, all good men are combined, to do what? To support the Throne; what else? To maintain the aristocracy. What else? To protect the people themselves from the insidious machinations of their own demagogues, from the bloody tyranny of French fraternities.

My Lords, I have done. I have delivered a plain and honest opinion; I am not attached to any party, though I find no fault with those who are. Parties, I acknowledge, may be formed, maintained, and broken, on honourable terms; but I know not how it has happened, except from the narrow views of a collegiate life, it has never suited my notions of public probity to become a party man. I beg on this head to be clearly understood; I have no wish to see the present pilots driven from the helm; I simply wish them to change their course. It is a matter of perfect indifference to me, who steers the vessel of the State, provided it is steered with ability. The storm with which it is threatened is new in kind, and unparalleled in degree: hitherto we have only heard its whistling from afar: it may soon approach our coasts, and scatter tremendous and undistinguished ruin over the whole land. May blessing from God, reward from the King, gratitude from the country, fall upon the head of that man, of whatever party he may be, who shall conduct us into port with safety and with honour! My Lords, I have trespassed too long on your time. I conclude with giving my hearty concurrence to the motion of the noble Duke.

Lord HAWKESBURY justified the conduct of Administration in the whole course of the present war. There was no power in Europe opposed to France at this moment, against which they had not committed, in the first instance, an act of aggression, and against England most manifestly. We did not wish to interfere with the government of France, but France interfered with the government of England. The subject before their Lordships resolved itself into two questions. First, Did any form of Government whatever preclude negociation, since a report had gone abroad that this country would only treat with a Monarchy in France? Secondly, Was peace at this time attainable? There were two motions before the House; they both stated the possibility of our negociating with a Republic; but the one said that we could not treat with a Government from which we could not have security for an honourable

peace, which was that of the amendment moved by his noble friend, the Secretary of State. The other, moved by the noble Duke, had no such qualification. He preferred the amendment of his noble friend, since, however desirable peace might be, a vigorous prosecution of the war appeared to him, in the present moment, the best, if not the only, means of obtaining it, upon honourable and secure terms.

The Duke of ATHOL voted for the amendment, as it preserved the honour of the British nation, and left full room for negociation.

The Marquis of LANSDOWN, in a very able and masterly speech, declared that he considered the importance of the present dangerous crisis as so great, that there was not a moment to lose, otherwise he should be led to inquire into the causes of the loss of Holland, a loss for which this country was very little prepared, and which was a very different thing from the march to Paris, as held out in the beginning of the campaign. He wished to know what had become of the services we had a right to expect from the King of Prussia, and of those troops we had subsidized by treaty, and for which this country had already paid considerable sums of money?

That he had certain information of considerable sums remitted to the Austrians: he knew where it was paid, and by whom the bills were endorsed, without any communication to Parliament, a fact in itself incredible, if it was not for two things—*his knowledge of the fact*, and his experience of the disregard and levity with which Parliament had been repeatedly treated by the present Ministers. We had heard talk of 35000 Austrians; if money had been paid for them, where were they? Why had not we our money worth?

If the money we had sent to Prussia and Austria had been sent to Holland, it would have attached the Dutch more to us, and have enabled them to have fitted out their navy; it would have strengthened the hands of the Prince of Orange, who would have shewn to the country the good skill and friendship of England as an ally.

And surely the Dutch deserved all our attention, for never was so much confidence placed by one nation in another, never was such implicit obedience to all the desires of this country, never such patience under all they suffered by their attachment to England. His Lordship then read the following letter from Lord St. Hellens to Mr. Rich:

Hague, 11 October, 1794.

SIR,

Lord Grenville having received a letter from you, in which you state, that, in consequence of the progress lately made by the enemy on the frontier of this Republic, a general consternation had taken place at Amsterdam; which had produced a considerable emigration of the inhabitants of that city, and that it might therefore be expedient, that some assistance might be furnished by Great Britain to such other persons as might be disposed to leave that place with their effects. I am directed by his Lordship to inform you, that His Majesty, far from being disposed to assist or facilitate any such emigration, wishes to check and discourage it as much as possible, considering it as highly prejudicial to the interests of the Republic, as well as of the common cause.

I beg leave to recommend it to you to take every proper opportunity of making known these sentiments of His Majesty, and particularly to those persons whose conduct they may be likely to influence.

I am, with great esteem and respect,

&c. &c.

(Signed) St. Hellens.

The Dutch, and even the English subjects, implored for permission to remove their property without success: now that the rivers were frozen over, they are insulted with a permission to do what is known is impossible to be done. This was aggravated by the conduct of the Dutch to blind their natural rival! The modern Antwerp! Not a cellar in Ostend that was not emptied—all rivalship was forgot. Whilst the same permission was denied by us to the Dutch under all the circumstances of friendship and attachment. At any other time he would propose to the House to inquire into such unaccountable conduct, but so great was the danger in his opinion, that the time did not admit of it. Holland was now lost, and if their Lordships would take the trouble of weighing the consequences of this great event, first in regard to the allies, and next to ourselves, he was persuaded there was not a reasonable man of common foresight who would not be astonished, if not confounded, at the magnitude of the danger impending over us; Holland is lost, not like Ostend with empty cellars, but with their magazines and store-houses full.—The shop of all Europe! the depot in particular of all warlike stores!---It has been the opinion of the wisest Dutchmen, confirmed by the wisest men of other nations, that whoever possesses their force and influence in addition to their own---well governed, must govern the world.

The face of the map shews the great rivers by which the allies were supplied in Germany as well as the Low Countries, notoriously with powder all the last campaign; since which the French have

bought up the whole of the saltpetre at Copenhagen, so that none remains in private hands. The Dutch had received a large quantity for the use of the state: the French being in possession of these resources, can carry their conquests wherever they please; the Austrians having only Trieste to depend upon: add to this the prospect of a general famine, which must affect the Allies more than the French, who remain in possession of the countries of produce, and the rivers to convey it. He said he did not know how we should convey the money we seemed to be so ready to get rid of, which was the only article that can be conveyed with any degree of facility: it must be done in bullion, which is no pleasant circumstance. We shall have to send the one fourth of all our specie to the Emperor, and another fourth of it to the British, Hessians, and Hanoverians; thus draining the country of half the current specie of the kingdom. Bills of exchange will be attended with difficulty, if not impossibility, unless the French respect the neutrality of Hamburgh, which is not only attached to France, in preference, but French principles prevail there almost universally. If this will not do, we must go a great way about, to Lubec, or up the Oder, and as no one can doubt the punctuality of sovereigns, perhaps we may see the King of Prussia transmitting our loan to the Emperor, like another Mr. Hope, who has been, to his great credit and honour, the banker of all the world.

As to ourselves, the noble Marquis said, the French were more on a level with us, than would be flattering to state: but when the fleet of Holland was to be added to that of France, they would become formidable indeed: in Holland they would find thousands of transport vessels appropriated to invasion, whilst the ships of war cut off all our communication with the Baltic and the North. This would oblige us to have at least twenty ships of the line, to convoy our trade to and from the Baltic, during the whole summer. Those who were in Government in the year 1782 knew what a chapter the North Seas were. The Dutch have another superiority in this respect; they have their ports, and places of retreat and security at hand, ours are far, difficult, and inconvenient. We must add to this the probability of Spain joining against us, as well as the skill and alertness of the French in ship building, now that they are supplied sufficiently with all materials. The French have their choice of attack; invulnerable themselves, they need no system of defence, disregarding as they do their islands; whilst we have to protect. Peace once restored, France must resolve into some Government; in the mean time, whilst we show so much disposition to examine into the distress of our enemies, and to act upon it, he recommended it to

their Lordships to bestow some little time upon what more nearly concerned them, namely, our own interest. He had had a clergyman with him that very morning, who was an acting magistrate in the West of England, who gave such an alarming account of the state of the poor, that he could not help desiring him to put it on paper, that he might read it to their Lordships.

He then read as follows:

"From the commencement of this war, distress and poverty, in the manufacturing part of the West of England, have constantly increased, and, since harvest, have made a most alarming progress.

"In the clothing towns, weavers have been restricted to one half of their usual work; and in the country parishes women and children have scarcely any thing to do.

"The spinning of wool by hand has failed; hemp and cotton have been tried, but, for want of a market, are abandoned.

"With all the villages, with which, as a magistrate, I am acquainted, the labouring poor have no malt liquor, no cheese, no bacon, being confined absolutely to bread and water. This, however, is not the worst of their condition; for their bread is not sufficient for their families, and they are unable to purchase either clothes or fuel.

"From this extremity of poverty, their fevers are all putrid; but the infection is not confined to villages.

"To alleviate this distress, every expedient has been tried; and the poor rates are rapidly advancing; yet, were the magistrates to grant that relief which the distress requires, the farmers would be ruined, and the distress would be increased.

Send, says his Lordship, for a resident clergyman from each county, and they will tell you the same, except, perhaps, to some local manufacturers.

When Henry the Fourth of France formed his plan of attacking the House of Austria, he devoted fifteen years in preparing alliances, arsenals, stores, uniting all descriptions of people, and regulating his finances; so that he could have carried on the war for six years, without levying a tax.

How great was the difference of our situation! It might not be prudent to enter into the forte and the foible of this country, but it were much to be wished, that the Privy Council, an important part of the institution, fallen almost obsolete as a Political Council, for which it was instituted, was revived, when every man on his oath was bound to give his best counsel, and to keep the King's secrets. Let the King hear *all* his counsellors—let him confront former Ministers with his present, which would put their disinterestedness to the test!—Let him hear the danger himself, his country, and his family run.

There was an idea which had struck him, which he did not know whether he did not tread on too tender ground when he ven-

tured to mention it; but, trusting to his intention, he hoped there was no quarter in which it could be misinterpreted.

Our trade, East, West, North and South—The Baltic, and our Northern Coasts in particular—The Channel—Ireland—Canada—Newfoundland—Hallifax—West Indies, both Windward and to Leeward—The East Indies—Not to mention the Mediterranean, and the great kingdom of Corsica, which will hang like a mill-stone about our necks, and what is worse than all, a revolutionary government to combat.

The power of revolutionary governments the Marquis recommended most earnestly to their Lordships' coolest reflections, as in fact it was the groundwork and key to every thing: it was impossible to compare it with any government, as it was as much superior, in point of energy, to a dictator or a despot, as they are to an anarchy. The despot and dictator are restrained by laws, or the remnants of laws, if not by prejudices, or at any rate by personal prudence—Revolutionary Governments by none, regular Governments, like our own, proceed by example, by a greater or lesser number of hypocritical taxes—Resources in regular Governments are ascertainable; but the way of coming at them makes the difficulty—In Revolutionary Governments all is open; the single word *requisition* renders hypocrisy unnecessary, sweeps all before it---Property, produce--all yields. There is no need to study means; no comparative calculation can be made as to finance, with such a Government; the only one, if it could be got at, is the amount of of gold and silver, which they have to purchase articles of the first necessity they may want from abroad, bullion they bought up early, at a high price---never ceased to augment their supply, by plunder or purchase, either at home or abroad, with laws made for prohibiting the exportation, except for articles of the first necessity: this has been always their object, in order to be beforehand with us.

As to their paper money, no matter how much they spend; they spend to day, and take it back to-morrow, and issue assignats *ad infinitum*. This appears burthensome and horribly grievous to individuals; but what is a grievance to any man, who does not feel it, or that thinks it imposed by himself? In a political view, paper, as long as you depend on it, for the interior only, can never fail.

The grand and only object is to put an end to this Revolutionary Government: so far we are all agreed; but not on account of its bad logic, its cruelty, its fluctuations, its inefficiency, but its *efficiency*, its *supernatural power*.

Once dissolved, no country will, to guard against a Revolution, bring in a Revolutionary Government---How then accomplish an

end to this Revolutionary Government? Reason tells you a war will not do it! Facts tell you the same thing! For instance—America!--the progress of this war, as far as it has gone!--the repeated declarations of the Convention, who can alledge no other ground for its continuance! These are undeniable facts, which prove that the Revolutionary Government is dissoluble alone by peace, and continued by war.

There was, by all account, a very lovely person, as anxiously and universally expected by all ranks and descriptions, as any person ever was, since the accession of the House of Hanover. However the French may have forfeited their ancient character of gallantry, he could not help thinking it was too deeply rooted in the French character; besides what is inseparable from brave men, that a very slight word finding its way to General Pichegru, in which there could be no great difficulty, could not fail to thaw a great deal of that ice, which had for some time obstructed the progress of the expected blessing to this country. He need not tell their Lordships what great events took their rise from much less causes; he himself remembered the Negotiations which terminated in the peace of 1763 took their rise from a much less circumstance, namely, the release of the Comte d'Estaigne. Their Lordships likewise knew how many instances there were, from the mother of Coriolanus, down to the instance lately mentioned in the newspapers of the sister of Mr. Charette, of the powers of the female sex interposing, and scarcely ever failing to succeed where they did, of composing the most dreadful feuds. Under what happy auspices would the Royal Personage arrive in England, captivating the two greatest nations in the world, at one and the same moment; converting the Ca Ira's and the Marseillois March into Hymns for Peace, and landing with Cornucopias, &c. &c. in her hand. But whatever their Lordships might think of expedients, of which there may be many, he wished their Lordships not to let the great object be from their mind, *the importance, and, in truth, the necessity of peace*, if an honourable one can be had; that the tide, he was afraid, was set in against us; and he was much mistaken, if every month that it was deferred, the less advantageous, if not the less honourable, it would be: that the way to make it honourable, was to make it speedy; and he should vote for the original motion, in preference to the amendment, for this plain and simple reason, that the original motion tended to conciliate the French, as the amendment tended to disgust them.

Earl SPENCER followed the noble Marquis in most of his observations on the state of the country, and drew a different conclu-

ſion as to the preſent ſtate of the lower claſs; he did not agree at all with the picture which had been drawn of our ſituation in general. His Lordſhip juſtified himſelf for having taken part in Adminiſtration; he obeyed the call of His Majeſty, for the purpoſe of ſerving his country. He lamented that the noble Marquis, and every perſon with whom he had formerly acted in public affairs, did not join the ſtandard of Government at this alarming period; for he knew their abilities might be highly ſerviceable to the State; but if they ſhould continue to refuſe, he hoped the country would have energy to defend itſelf; for his part, he ſhould never deſert what appeared to him to be its true intereſt. He ſhould vote for the amendment.

Lord HAWKE approved of the amendment. His Lordſhip gave an account of the preſent naval ſtrength of this country, and ſaid, he truſted we were ſufficiently powerful to defeat the enemy. He alſo took a view of the Dutch navy, and ſaid, from its defective ſtate, the French would have very little reaſon to boaſt the acquiſition.

The Earl of HARDWICKE ſpoke againſt the motion; he denied that the ſituation of this country was ſuch as to lead us to riſk our ſecurity, by negociating with a country whoſe principles were ſo hoſtile to all the Governments of Europe. A vigorous proſecution of the war, he conceived, to be the only means of obtaining a ſafe and honourable peace. His Lordſhip commented upon His Majeſty's ſpeeches and declarations, to prove that no original interference had been intended, with reſpect to the internal affairs of France; and that a Government would not have been rejected, whoſe aſpect was not hoſtile to that ſtate of amity which ought relatively to ſubſiſt amongſt the ſeveral States of Europe. He ſaid, that nothing could be more deluſive than to look for moderation of conduct or ſecurity from the French. Their conduct had undergone no change. He had received ſuch accounts from the Rhine of their pillage, violences, and devaſtations, as were ſhocking to the heart. His Lordſhip concluded with obſerving, that the French had threatened to invade this country; he believed they might make the attempt, but he truſted they would be received with that ſpirit which would induce them to form a very different opinion of the internal ſtrength and reſources of this country, than that which had induced them to undertake ſo hazardous an enterprize.

The Marquis of ABERCORN lamented that His Majeſty's Miniſters, inſtead of meeting the queſtion of the noble Duke fairly, had had recourſe to a ſhuffling mode of evading the diſcuſſion, which was neither dignified to themſelves, nor reſpectful to the Houſe.

It was as defective in true policy as it was unbecoming in men entrusted with such high situations. If at any time a question was proposed in Parliament, either of an abstract nature, or of a precise and specific quality, which was either improper in itself, or unseasonable, there were modes established by the rules of the House, for getting rid of them by the previous question, and by the order of the day. Instead of these, the Ministers had had recourse to the expedient of moving a number of other words, extremely ambiguous, and which, while they evaded the question of the noble Duke, held out nothing satisfactory to the country. It was with pain that he felt himself called upon to give this description of their conduct. The country were highly indebted to the noble Duke for his motion. It was a motion, the noble Marquis said, to which every noble Lord in that House, however various their opinions with respect to the conduct of the war, or the resources of the two countries, those who wished for immediate negociation, and those who wished for a vigorous prosecution of the war, might unite in their assent a motion so admirably framed as to concenter all the varieties of opinion, leaving entirely out of the question all those points which might afford matter for debate. It was a motion that would be grateful to the heart of this country, and he believed would have more good effects than any proposition that could possibly be brought forward. Its adoption was essential to the tranquillity of this country, and to the happiness of mankind; for without this our exertions would be palsied by the consideration that there was no possible end to the war. Ministers affected to argue that the declaration proposed by the noble Duke would cripple them, by shewing to the enemy that the country was desirous of peace, and tired of the war. In his mind their conduct shewed this infinitely more than if they had met the question openly. Their avoiding it in the way in which they did, proved that they no longer stood on the high ground on which they were a short time ago, and that they were forced to make use of this expedient. That the public mind was generally charged he had the personal means of knowing, he had not been inattentive to the impression which recent events had made upon them, and he was persuaded, that from the universal spirit of loyalty and determination to stand by the King and Constitution, there was but one drawback, namely, the gloom and uneasiness which hung over them at seeing no end to a war, the object of which was undefined. The motion of the noble Duke would serve to dissipate this doubt, and would reunite all men's minds to the pursuit of the war, if after such a declaration the French were disinclined to treat for an honourable peace.

Lord MULGRAVE expatiated upon the violent proceedings of the National Convention, the enormities committed by the succession of factions which had held the reins of power, and argued that the principles upon which the Convention had acted, were so inimical to that system of relative amity, which subsisted amongst the permanent Governments of Europe, as rendered any negociation unsafe during the continuance of such principles. It was not the form of the Government merely, that was the matter in dispute, but the principles of action, which had been considered as immediately threatening the safety of all those countries which did not chuse to hazard their existence, by the recognition of principles so dangerous. War, his Lordship said, was a calamity which ought to be avoided, unless the danger and insecurity of peace were greater than the hazards of a vigorous war. But he would ask noble Lords if this was the period to obtain a safe and honourable peace? Upon what terms could this peace be obtained? We must acknowledge the imprescriptible Rights of Man, Liberty and Equality, and the unity and indivisibility of the French Republic. How could this be done without at the same time acknowledging principles subversive of the Constitution and laws of this country—principles subversive of all hereditary right? But besides this, continued the noble Lord, by another system, engrafted upon the former, the system of incorporation, which they have practised with respect to the conquered countries, would it be safe to leave them in possession of the Austrian Netherlands, of part of Spain, of Savoy, which we have guaranteed to the King of Sardinia? Shall we give up Corsica, the Sovereignty of which has been accepted, on solicitation, by His Majesty? Do noble Lords think such terms would be consistent with a safe and honourable peace? What then is the purport of the present motion? certainly it is not prudent for us to make any gratuitous declaration, which can answer no present good consequence, but may be productive of future evil. His Lordship adduced the inconvenience of being bound down by gratuitous declarations, from the example of Louis XIV. and remarked the dilemma he was reduced to in consequence of his abjuring the Spanish Monarchy, both for himself and his posterity. His Lordship thought nothing that had yet happened ought to discourage the country from persevering in the war until there was an opportunity of making peace upon more advantageous and secure terms, than it could be done at present. We had still many resources in the wealth of the country, in the co-operation of the Emperor, and in the desperate state and gallant spirit of the French emigrants.

The Earl of LAUDERDALE began with some handsome compliments to the noble mover, who possessed talents which added dignity to rank, and superseded the distinctions which he derived from birth and from fortune. The motion which he had brought forward, was such as few out of the House, or among the allies, would not be disposed to approve; it was founded on the acknowledged principles of the Rights of Nations, and could not be controverted, without resorting to the maxims of the Jacobin school. He considered the amendment moved as one of the most extraordinary that had ever been offered to that House, and as wrong a measure as could have been adopted, even by the present Administration; because it neither tended to bind Ministers to any specific declaration, nor to satisfy the Public as to the precise object in view. It left to His Majesty's Ministers to judge what Government in France might be fit to give us terms of peace, so that we could have no hope of pacific measures so long as they thought proper to continue the war for their own purposes. The noble Earl recapitulated the arguments used by those who were against the motion. He was of opinion, that their Lordships could not entertain a more absurd idea, than to imagine that this country would reduce France, because the resources of the latter were, by their supposition, nearly annihilated. This favourite hypothesis was cherished by their Lordships' belief that the circulation of the French assignats would soon be precluded. They ought, however, to understand, that the circulation, instead of being circumscribed, was greatly extended. Wherever the French were, their assignats became current. In Savoy, Brabant, Holland, &c. this paper currency was sanctioned by the magistrates, the merchants, and the people. All hopes, therefore, of reducing France, in consequence of the supposed diminution of her resources, were in vain; because, notwithstanding the predictions of those who had uniformly supported the war, the French, instead of becoming impoverished in resources, had improved their means of carrying on hostilities with vigour and effect. Those who thought that the circulation of assignats and the other means adopted by the French were of a novel nature, did not remember, that the very same expedients were used by the Americans in their memorable war against this country. In the records of their proceedings, it may be seen that the Americans enforced their dollars or assignats at par; and those who are curious, may be farther gratified by the proceedings of the Americans on the *Maximum*, &c. &c. So that we may conclude, that French liberty was not only of American growth, but also the expedients adopted for its support. The last noble Speaker

laid much stress on the gallantry and numbers of the emigrants. He was far from depreciating the merits of those unhappy men. He believed they were invigorated with all the artillery of desperation; but, without pretending to the gifts of prophecy, he foresaw their fate: he foresaw that they would fall sacrifices to the indignation of the French Republic. The present time, Lord Lauderdale insisted, was the best we could chuse for the commencement of a negociation. It was evident that we were in a more desperate situation this year than last; and it required little sagacity to foresee that we are better now than we will be at the expiration of another twelvemonth. Had we used our endeavours last year for the restoration of peace, many calamities might have been avoided. One memorable victim of the Minister's proud and stubborn conduct was convinced of the truth of what he now advanced. Had the negociation for peace been concluded last year, the Stadtholder would not now be suffering all the sharp and bitter aggravations of adverse fortune; neither he nor his illustrious family would now be driven to the deplorable necessity of seeking an asylum in this country; and the resources of the French would not have been increased by the additional riches of Holland, aided by her whole navy and stores. With respect to the co operation which it had been held out might be expected, in consequence of the loan to the Emperor, there was one curious circumstance relative to this transaction, which he would take the liberty to mention: that a noble Lord in that House had been sent with two propositions to the Court of Vienna; in the reception which that Court gave to these propositions, they behaved, as might have been expected, in an honest, blunt German way. The one was to offer them a loan of six millions; and the other to propose that a British General should take the command of their troops. The money they accepted, they considered that as the natural commodity of the country, and the supply came very seasonably to the aid of their exhausted finances; but on the subject of the donation of a British Commander, the Emperor was said to have testified dispositions not more gracious than the Emperor of China is supposed recently to have shewn to some other presents of a similar kind, attempted to be imposed upon him by the British Court. Lord Lauderdale then asked what would be the impression upon the people of France, when they should understand that such a motion as had that night been brought forward by his noble friend, had been proposed to the House, and rejected by Ministers? Would they not conceive that Ministers were not willing to make peace with them upon any reasonable terms, and were carrying on the war for.

the express object of the destruction of their Government? His Lordship concluded by giving his vote for the original motion.

The Duke of LEEDS explained what he had said with respect to the speech of His Majesty, on the first day of the session. The passage respecting the Dutch entering into a negociation, he thought betrayed a feeling of peevishness, unworthy of the dignity of the quarter from which it came. This afforded to him only matter of regret, that His Majesty's name had been so far misapplied. From the time when he first took his seat in Parliament, about twenty-five years ago, both in the other House and in that in which he now had the honour of addressing them, it was his misfortune to have witnessed many calamitous circumstances: the present bore a striking resemblance to the last war, when we suffered many public disasters. Those who supported the American war adopted similar expedients. He was afraid of the consequences, should we stubbornly persist to carry on hostilities, in opposition to the lessons of experience, and the maxims of sound policy, as applied to our present situation. He was an advocate for the present motion, as thinking that it could not but be accompanied by the best effects. If it did not produce a peace, it would cause every man to rally around, and to defend the constitution. He said, that it was amazing to see the infatuation which prevailed with respect to the war: he had found people, in other respects of good sense, who, in the present instance, talked as if no proposition could be made for peace, till either the British army had reached Mont Marte, or the French had arrived at Shooter's Hill. For his part, he thought that there was a medium between the extremes of rashness and timidity, and that both were equally fatal to the counsels of a nation. If things should arrive at that desperate situation, which Ministers seemed to intimate ought to precede any proposition for peace, the question, in his mind, would then be, not "How to treat, but how to fall:" it would remain only for that House to groupe themselves around the Throne, and to perish in its ruins. He approved of the motion of the noble Duke, as bold, firm, and manly; while he could not help thinking that the amendment appeared in a very different point of view.

The LORD CHANCELLOR said, that the motion was a mere abstract proposition, which could not with more propriety be entered upon the Journals of the House than any similar proposition with respect to politics or morals. The amendment, while it included every thing valuable in the motion, had a direct practical inference. He commented upon, and defended the words of the

amendment; the effect of adopting the motion might be to dis-spirit the country, and to encourage the enemy; at the same time he imputed no bad intention to the noble Duke who had brought it forward.

Lord AUCKLAND said, he approved of the motion so far as it went, but thought it incomplete; it ought to have contained an expression of a resolution to support His Majesty in the steady and vigorous prosecution of the war. On this ground he would vote for the amendment, which, however, from the mode in which it was expressed, contained some degree of latent, though not, he was persuaded, of studied ambiguity.

The Bishop of DURHAM said, he had only risen because an appeal had been made to the humanity of those along with whom he sat, by the noble mover: on the ground of humanity he would oppose the motion, because in his mind it could only lead to a protracted negociation, and an insecure peace.

The Earl of GUILDFORD said, that the latter part of the amendment, did not at all suit the views of those who supported the motion, as it held out the present Government of France as one not capable of maintaining the accustomed relations of peace and amity with other countries.

The Duke of BEDFORD, in a reply of some length, took notice of all the arguments which had been advanced against his motion, and of the contradictory grounds upon which it had been opposed. He remonstrated against the practice of introducing a new motion under colour of an amendment, and shewed that no solid objection had been brought against his original motion. He took notice of the propensity of Ministers to shift their ground:—if he ascribed to them one line of argument, they immediately said, No, and had recourse to some other position; if he attempted to fix them to that, they again shifted their ground, and sheltered themselves in some fresh subterfuge. The same unfair mode which they employed in defending themselves, they had applied to that proposition which he had brought forward on that occasion.—Instead of frankly meeting it, Lord Grenville had chosen to set it aside, by bringing forward an entirely different resolution, under colour of an amendment—a circumstance which clearly proved, that no proposition would be adopted by Ministers, which did not, in the first instance, proceed from themselves. This was a mode of getting rid of his resolution, which he must distinctly reprobate. They had then argued against his resolution, as if it went to the length of suing for peace—a circumstance which he not only expressly disclaimed, but which the proposition itself could not in the smallest degree warrant,

On the contrary, he had brought it forward, in order to lead Ministers to some direct avowal of principle, which might at least pave the way for negociation, and hold out a ground to the country, on which it might be possible to treat. Lord Grenville had stated it as a proof of the instability of the Republican Government of France, that the Convention had sent to the Revolutionary Tribunal, a person, who had published a pamphlet, proposing that the Primary Assemblies should meet to deliberate whether Monarchy should not be restored. This was the greatest crime that could be committed against any State, as it was a propesal, that went directly to overturn the existing Republican Government. Was it any proof of the instability of the British Constitution, that Government had thought proper to hang their own spy, (Watt) because in order the more effectually to promote the views of his employers, he had thought proper in the societies to espouse the cause of Republicanism? What would Ministers say, if the expression of this spy, had been held out as the criterion of the sentiments of the country? Lord Loughborough had been pleased to declare, that he imputed to him no bad intention, in bringing forward his motion. What intention could the noble Lord possiby impute to him, but a regard for the interests of the country, and an ardent desire to save the Constitution? But it might be alledged that they opposed the measures of Ministers, because they were envious of their places. The ranks of Opposition had lately been considerably thinned; other noble Lords had changed their opinions, and had been rewarded with places and honours; and "we too," said the Duke of Bedford, "might have participated of these rewards, if we had been disposed to purchase them at the same price."

Adverting to the statements of Lord Grenville, respecting the French finances, and the conclusion which he drew of the infallible ruin of their resources, in consequence of the depreciation of their assignats, his Grace then asked, what was the case with respect to the assignats of this country; he meant not the notes of the Bank of England, but the property vested in the public funds? Had that suffered no diminution in its value since the commencement of the war? Had not those whose fortune was placed in the three per cents. lost almost a third of what they possessed, in consequence of the declension of the value of that stock? And was this a reason why any one should predict the fall of the Government of the country? On the contrary, were not those persons, whose property depended on the credit of the Government, naturally interested in its support, and anxious to strengthen their own security by giving to its operations confidence and stability? Exactly such was the

case in France; all who were possessed of assignats acquired an interest in the support of the French Government; and in proportion to the extent of their circulation was increased the number of persons, who would be induced by the strongest motives to promote the stability of the Republic. But when Ministers talked of the decay of the French resources, did they forget that at the very moment they were using this language, France was attaining the possession of the resources of other countries, and had already added those of Flanders and Holland to the aid of their own exertions? One noble Lord (Auckland) had objected to his motion, because if the peace which it described could not be obtained, it contained no expression of an intention to support His Majesty in the vigorous prosecution of the war. He had not introduced any expression of that sort, because he did not conceive it to be necessary for the specific purpose which he had in view. But such was his desire to remove all objections, and to unite all parties, that if it would canciliate the support of the noble Lord, he was ready to make an amendment upon his original motion, by introducing such an expression.

Lord GRENVILLE, Lord MULGRAVE, and the Earl of CARLISLE explained.

The House divided on the amendment,

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The question being put on the motion thus amended, a conversation took place, in which Lord Grenville said expresly, that His Majesty's Ministers considered the present Government of France as one with which they could not treat.

The Duke of BEDFORD, and the Earls of GUILFORD and LAUDERDALE, contended that this was a full admission that the resolution as now proposed to be voted, was completely nugatory.

Lord GRENVILLE and the Earl of CARLISLE endeavoured to qualify this construction of Lord Grenville's words, but the words in substance were adhered to.

The amended motion was carried without a division.

LIST of the MINORITY on the AMENDMENT of Lord GRENVILLE to the MOTION of the Duke of BEDFORD, in the House of Lords, on Tuesday, January 27, 1795.

Duke of Bedford
——— Norfolk
——— Leeds
Marquis of Abercorn
Earl of Guilford
——— Lauderdale
——— Albemarle
——— Thanet
Earl of Suffolk
——— Buckinghamshire,
——— Clarendon
——— Shaftesbury
Viscount Maynard
Lord Lovel and Holland
——— St. John

Proxies were given for the Duke of Grafton and the Earl of Derby. The Marquis of Lansdowne, the Earl of Tankerville, and the Bishop of Llandaff, retired, from indisposition, before the question was called.

The following Extracts from the Speeches and Declarations of His Majesty relative to the war, were, at the desire of Lord Grenville, read by the Clerk:

Extract of the Speech delivered by His Majesty at the opening of the Session, 1794.

"Although I cannot but regret the necessary continuance of the war, I should ill consult the essential interests of my people, if I were desirous of peace on any grounds but such as may provide for their permanent safety, and for the independence and security of Europe. The attainment of these ends is still obstructed by the prevalence of a system in France equally incompatible with the happiness of that country, and with the tranquillity of all other nations.—Under this impression I thought proper to make a Declaration of the views and principles by which I am guided.—I have ordered a copy of this Declaration to be laid before you."

Extract of the Address of the House of Lords to the King, upon His Majesty's foregoing Speech:

"We must undoubtedly join with your Majesty in regretting the necessary continuance of the war; but we are persuaded that it would be inconsistent with the essential interests of your Majesty's subjects to look to the restoration of peace on any grounds but such as may provide for their permanent safety, and for the independence and security of Europe. And it is impossible for us not to perceive that the attainment of these ends is obstructed by the prevalence of a system in France, equally incompatible with the happiness of that country, and with the tranquillity of all other nations."

Extract of the Declaration of 29th Oct. 1793.

"This state of things cannot exist in France without involving all the surrounding powers in one common danger—without giving them the right, without imposing it upon them as a duty, to stop the progress of an evil which exists only by the successive violation of all law and all property, and which attacks the fundamental principles by which mankind is united in the bonds of civil society. His Majesty by no means disputes the right of France to reform its laws. It never would have been his wish to employ the influence of external force with respect to the particular forms of Government to be established in an independent country. Neither has he now that wish, except in so far as such interference is become essential to the security and repose of other powers. Under these circumstances he demands from France, and he demands with justice, the termination of a system of anarchy, which has no force but for the purposes of mischief, unable to discharge the primary duty of all Government, to repress the disorders, or to punish the crimes which are daily increasing in the interior of the country, but disposing arbitrarily of the property and blood of the inhabitants of France, in order to disturb the tranquillity of other nations, and to render all Europe the theatre of the same crimes and of the same misfortunes. The King

demands that some legitimate and stable Government should be establish-ed, founded on the acknowledged principles of universal justice, and capable of maintaining with other powers the accustomed relations of union and of peace. His Majesty wishes ardently to be enabled to treat for the re-establishment of general tranquillity with such a Government, exercising a legal and permanent authority, animated with the wish for general tranquillity, and possessing power to enforce the observance of its engagements. The King would propose none other than equitable and moderate conditions, not such as the expences, the risks, and the sacrifices of the war might justify, but such as His Majesty thinks himself under the indispensable necessity of requiring with a view to these considerations, and still more to that of his own security, and of the future tranquillity of Europe."

Extract of the Declaration of the King to the Inhabitants of Toulon, November 20, 1793.

"His Majesty sincerely wishes the happiness of France, but by no means desires, on this account, to prescribe any particular form of Government. The King claims the right of taking a part, only because the anarchy which now desolates that country, threatens the tranquillity of his own subjects, and that of the other powers of Europe, whose safety and peace materially depend on the re-establishment of order in France, and of a regular system which may hold out to them a secure ground of negociation and friendship: and His Majesty does not hesitate to declare, that the re-establishment of Monarchy in the person of Lovis XVII, and the lawful heirs of the Crown, appears to him the best mode of accomplishing these just and salutary views. This form of Government has not only prevailed in France from the earliest times, but being capable of such limitations as may suit the respective circumstances of different nations, has been proved by experience to be the best adapted, in great countries, to unite the advantages of security and order with real liberty."

Extract of the Address of the House of Lords to the King, at the opening of the present Session of Parliament.

"Although a sense of present difficulties has led the States General of the United Provinces to enter into negociations for peace with the party now prevailing in France, we are fully sensible, how little real security any established Government or independent State can derive, under the present circumstances, from the result of such negociations; and we are convinced that they could not be attempted, on our part, without sacrificing both our honour and safety to an enemy, whose chief animosity is avowedly directed against these kingdoms."

Thursday, 29th January.

The Attorney General, Sollicitor General, Mr. Pitt, Sir Peter Burrell, Mr. Baldwin, and others, brought up from the Commons the bill for the farther suspension of the Habeas Corpus Act. Bill received, and, on the motion of Lord Grenville, was read a first time—ordered to be read a second time on Saturday next, and the Lords to be summoned on the occasion.

The Earl of GUILFORD moved, that an humble addreſs be preſented to His Majeſty, requeſting that he will be pleaſed to give directions that an account may be laid before the Houſe of the number of men furniſhed by his Pruſſian Majeſty, in conſequence of the treaty ſigned at the Hague, on the 19th day of April, 1794. Ordered.

His Lordſhip moved, that copies or extracts of all the communications between Lord Malmſbury, reſident with the Pruſſian army, and His Majeſty's Miniſters, on the ſubject of the number of men brought into the field by the King of Pruſſia, in what manner they have been actually employed, and the ſervices they had rendered the maritime powers, as nearly as can be aſcertained.—Ordered.

Saturday, 31ſt January.

The Lords met purſuant to adjournment, when the bill for continuing the ſuſpenſion of the Habeas Corpus Act was read a ſecond time, and committed for Monday next.

Monday, 2d February.

The Earl of LAUDERDALE roſe, he ſaid, to move an amendment to the bill for ſuſpending the Habeas Corpus Act. Though, he ſaid, he diſapproved of the principles of the bill in general, ſtill there was one clauſe in it, which appeared to him much more exceptionable than the reſt, viz. that clauſe which mentions, that the ſuſpenſion is to hold until the laſt day of the ſeſſion of Parliament. This, he ſaid, was placing in His Majeſty an unlimited power for an indefinite period; for if the ſuſpenſion had taken place on the firſt day of the preſent Parliament, it might, by this ambiguity, be continued for not leſs than ſeven years: he would therefore move, he ſaid, an amendment, that inſtead of "until the laſt day of the Seſſion of Parliament," there ſhould be ſubſtituted, "until the firſt day of July next," ſuppoſing that Parliament ſhould ſit until that time.

The amendment was negatived without a diviſion.

The third reading of the bill is put off until to-morrow, when the Peers are ſummoned to attend.

Tueſday, 3d February.

Lord GRENVILLE moved the order of the day, for the third reading of the bill for continuing the ſuſpenſion of the Habeas Corpus Act.

The Earl of LAUDERDALE roſe to move an amendment,

" That the words laſt day of the preſent ſeſſion" be left out ; and thoſe " of the firſt day of July next" ſubſtituted in their ſtead.

His Lordſhip ſaid, he ſhould not have occaſion to trouble their Lordſhips to any great length in ſupport of his amendment, as he underſtood it would be acquieſced in—nevertheleſs it was, in ſome degree, neceſſary for him to ſtate, as conciſely as poſſible, a few of the reaſons which induced him to move it. The noble Earl ſaid, that the Habeas Corpus Act was originally paſſed by our anceſtors, as one of the grand bulwarks of the Conſtitution, for the ſecurity of the liberty of the ſubject, againſt the power of the Crown, and it was intended by thoſe who framed and paſſed it, that it ſhould never be ſuſpended by any other power than that of Parliament ; nor even by Parliament itſelf, without ſome certain limited time being fixed for the continuance of that ſuſpenſion. His Lordſhip ſaid, he was warranted in what he ſaid by the authority of the learned Judge Blackſtone upon this ſubject, who, in treating of it, expreſsly ſays, " that this act cannot be ſuſpended even for *a ſingle day*, by any power but that of Parliament"—and not even then, but on the cleareſt proof of ſome great and important danger to the State, can it be juſtified. If then, his Lordſhip ſaid, their Lordſhips would take the trouble to read the words of the bill as they now ſtood, they would perceive that a power was thereby veſted in the Crown to continue the ſuſpenſion of this law, which was the great defence of the liberty of the ſubject to an indefinite time. He would allow, that in the preſent times, and with the preſent Parliament, ſo much danger was not to be apprehended, as had been the caſe in *ſome* times and with *ſome* Parliaments ; but in a caſe of ſuch immenſe magnitude and importance as the preſent, every thing ſhould be ſtrictly adhered to which our anceſtors had intended for the benefit of the ſubject. Perhaps in the ſtate of the preſent Parliament, as to continuance, it might not be ſo very material, but it was a dangerous thing to admit a bad precedent, and if this were allowed to paſs, it might be quoted in future, where the ſuſpenſion of the Habeas Corpus Act might be deemed neceſſary for the general good, to take place in the beginning of a new Parliament ; and artful Miniſters might, by uſing the words " laſt day of the preſent ſeſſion," and afterwards adviſing the King not to prorogue the Parliament, continue the ſuſpenſion of that ineſtimable law during the term of ſeven years. This was a conſideration which preſſed itſelf on his mind very much, and which therefore impelled him to move the preſent amendment. His Lordſhip ſaid, that as he believed the amendment would meet with no oppoſition from the noble Secretary, he ſhould content himſelf with the obſervations he

had made, and not trefpafs on the time of their Lordfhips any farther.

Lord GRENVILLE faid, he did not mean to oppofe the amendment of the noble Earl. He did not, indeed, fee the danger to be fo great as the noble Earl apprehended it to be, if the words remained as they now ftood in the bill; for, according to the noble Earl's own ftatement, the King could not continue the fufpenfion for any great length of time without keeping the Parliament fitting, and while Parliament was fitting, his Lordfhip did not think much danger was to be dreaded: however, in a matter of this nature, as it was certainly beft to be explicit, he fhould have no objection to the amendment of the noble Earl being adopted.—Ordered.

Lord Grenville moved, That the bill do pafs. His Lordfhip faid, that from the very full inveftigation which had taken place when this matter was before their Lordfhips laft feffion, and from the abundant evidence which had been laid before their Lordfhips at that time, it would not be neceffary for him to enter into a very full detail on the prefent occafion. It might, perhaps, be thought by fome that it was neceffary to produce fome new matter, or to fhew that fome new confpiracy was on foot, to induce their Lordfhips to agree to the prefent hill; but this, his Lordfhip contended, was not the cafe. He begged leave to call to the recollection of their Lordfhips, that in the outfet of the bufinefs they had appointed a Committee to inveftigate the bufinefs, and to examine into the mafs of papers which contained the evidence of the exiftence or non-exiftence of the confpiracy which was alledged to be on foot. His Lordfhip faid, that Committee had proceeded on the bufinefs with a celerity and zeal which nothing could furpafs, and from papers laid before them belonging to the focieties accufed of this confpiracy, they had drawn up and laid before their Lordfhips a very full, accurate, and interefting Report, which contained fuch ample proofs, that fuch a confpiracy did exift, as to leave no hefitation on the minds of their Lordfhips, of the abfolute neceffity of their paffing the bill. The Committee, his Lordfhip averred, had done themfelves the greateft honour, by the alacrity with which they undertook, and the affiduity with which they executed, the important truft committed to their charge; and the report they had made on the fubject, was fo ftrong and convincing, from the arrangement of the vaft variety of papers it contained, as to leave no doubt on the mind of any rational man, either among their Lordfhips or in the kingdom at large, of the exiftence of fuch confpiracy at that time. His Lordfhip was, he faid, extremely glad to find

that this had been still more fully proved, by a judicial decision, [Here a cry of hear, hear, hear!] He repeated that this had already been proved by a judicial decision. It seemed that his opinion was surprising to some of their Lordships; but still, he contended, it was founded on fair and just principles. Some of the persons belonging to the societies, charged with the conspiracy, had been arrested; and had since undergone their trials, before that legal and complete tribunal to investigate matters of this nature, and to pronounce decisively on them—a Jury of their country: by this Jury they had severally been acquitted of the crime of high treason, with which they stood charged. This was certainly true, and he by no means wished, or intended, to throw the smallest imputation on, or to depreciate, the verdicts by which they were so acquitted. Still, his Lordship contended, that their acquittal was no proof that a conspiracy never existed in this country. It only proved that in the case of the persons charged and tried for high treason, the evidence was not so full and strong against them, as individuals, as to amount to that certain degree of *quantum*, which the law requires in this particular case, to convict the person tried for the commission of this greatest of all crimes. The noble Lord requested the attention of their Lordships while he took a cursory review of their conduct and practices, with regard to the people of a neighbouring country, from the commencement of their correspondence with them, and he thought it would be sufficient to impress every one of their Lordships with the same sentiments as he entertained on the subject. During the time of the Monarchy continuing in France, after the Revolution took place, his Lordship said, all their correspondence was with the French Jacobins in Paris, and other parts of France; but no sooner was the destruction of Monarchy effected, than they immediately opened a correspondence with the National Convention of France; and in one of their addresses they went so far as to say, "that they hoped soon to see similar addresses sent from that country to a National Convention in England." After this, he begged their Lordships to remember, that they began to concert measures for calling a Convention in England, for the wicked purpose of subverting and overturning the legal, constitutional, and settled government and liberties of this country. The noble Lord said, it was impossible their Lordships should not remember the Convention which had actually taken place, in which men met appointed by those self-created societies he had so often mentioned, who had gone to a most extraordinary length indeed. When he reflected on many of the measures they had adopted, and particularly on that one strong and audacious re-

solution, that, among other things, says, " If the present Parliament should think proper to pass any bill to suspend the Habeas Corpus act, or to land foreign troops in the country, or in case of an invasion, a Secret Committee was appointed to re-assemble this body of men, to act in such emergency"—he could not for a moment hesitate (and he believed he should be joined by their Lordships in the opinion) to believe, that a most dangerous conspiracy existed of the nature before described.

His Lordship next alluded to the resolutions which had been passed by the several Societies in England, subsequent to the meeting of the Convention in Scotland, in which they asserted that they could no longer trust to laws framed, as they boldly and insolently phrased it, by those whom they were pleased to call their plunderers and oppressors. No. They must resort to laws of their own making; and for this purpose, steps were actually taken for calling a Convention in England, which was to overturn and destroy the Monarchy, the Aristocracy, and all the constituted authorities of the present Government, and to introduce all that anarchy, confusion, misery, and bloodshed, which had deluged and wasted their distracted and unhappy country, for the purpose of substituting one similar to that formed by the French, whose principles and proceedings they were so desirous to imitate and follow. This, his Lordship said, was extremely apparent from the closeness with which they had followed them in their phrases, their terms, and the nature of their proceedings. His Lordship adverted to the very extraordinary meeting held at Chalk Farm, as another proof of their intentions to call a Convention in England for the purposes alledged; and concluded, by observing, that notwithstanding the acquittal of the several individuals tried for high treason, there was the strongest evidence that a conspiracy existed at the time of passing the original bill for the Suspension of the Habeas Corpus act; and as nothing had since appeared to convince their Lordships that this conspiracy was done away, and did not subsist at the present moment, he thought it unnecessary to trouble their Lordships any farther at present, and therefore should content himself with moving, " That the bill do pass."

The Earl of GUILFORD addressed himself to the observation of their Lordships, by declaring that he should not have deemed himself to have acted right, if, without hearing the arguments just advanced by the noble Lord, he could have contented himself with giving a silent vote upon the present motion. But from what he had now heard from that noble Lord, he felt himself impelled by his feelings, in a peculiar degree, to state his reasons for differing with that noble Lord, and for giving his decided negative to it. His

Lordſhip ſaid, it had always ſtruck him, that, according to the principles of our excellent conſtitution, no act of Parliament of that magnitude or importance which the Habeas Corpus act certainly was to the rights and liberties of the people, ſhould be ſuſpended, or the benefits of it taken away, for ever ſo ſhort a time, without a certain, ſpecific, weighty, and important reaſon for ſo doing, made apparent by the moſt undeniable proof. The argument of the noble Lord had been very extraordinary indeed. In the courſe of laſt ſeſſion, the noble Lord had moved for the ſuſpenſion of the Habeas Corpus act, and before it was obtained, a Report of a Select Committee, appointed by their Lordſhips, containing a maſs of evidence, which the Report ſtated it was the opinion of the Committee, formed ſufficient proof that a conſpiracy exiſted which was dangerous to the Conſtitution and the Government, and on this maſs of evidence their Lordſhips had conſented to the paſſing of ſuch bill. In conſequence of this bill having paſſed into a law by receiving the complete aſſent of the whole Legiſlature, and in order to prove to the people of England, and to the world at large, that the opinion of the Committee firſt, and of their Lordſhips afterwards, was founded in fact, certain individuals belonging to particular ſocieties, amongſt which this conſpiracy was ſaid to exiſt, were arreſted, and after ſome months confinement were put upon their trial for this conſpiracy. The noble Earl ſaid, he believed there never was a ſubject either in this or any other country that underwent ſo long, ſo ample, and ſo deliberate and attentive a diſcuſſion and inveſtigation as did this of the quiet or innocence of theſe individuals, reſpecting the conſpiracy for which they were charged and tried. The reſult of this had been, that they were all declared by the juries to be *not guilty* of the conſpiracy with which they ſtood charged. It clearly appeared then, his Lordſhip ſaid, that there was no conſpiracy. If there had been one, who were the perſons concerned in it? It was evident it was not thoſe men who were tried. Who was it then? Nobody knew. If there ever had been one, it muſt have conſiſted of ſome perſons whom no perſon could point out. His Lordſhip was therefore clearly of opinion, that the conſpiracy which gave riſe to the original ſuſpenſion of the Habeas Corpus act, that bulwark of the liberties of Engliſhmen, had been done away and diſproved by the late trials, and the acquittals conſequent thereon; and that being the caſe, his Lordſhip ſaid, he was extremely ſurpriſed to hear the noble Lord moving their Lordſhips to continue this ſuſpenſion without producing any proof whatever that any new or other conſpiracy exiſted, than that which had given riſe to the late trials, and which of courſe was by the verdicts on thoſe trials totally diſproved, or

rather proved not to exist. The noble Earl said, he did not deny that there might be many persons in this kingdom who are disaffected to the present Government—some of those for their dislike of a Monarchy—others from their love of innovation and change, &c.—many perhaps from causes differing from either of these might be discontented with things as they are—but still his Lordship contended that a spirit of loyalty and affection to His Majesty pervaded the vast majority of His Majesty's subjects—never were more loyal addresses or more fervent expressions of attachment to the King and Constitution known than at the present period.—His Lordship said, that in former times, when matters were very differently situated, and appearances much more dangerous, no such strong measures had been resorted to by our ancestors, as the present Ministers had made use of to possess themselves of exorbitant power, as in the cases of the Alien bill, the Traitorous Correspondence bill, and the suspension of the Habeas Corpus act. In the beginning of the reign of King William, when the departed or abdicating King was still alive, and in arms, many hundreds of people were known to be strongly attached to his interests, and even avowed this attachment; yet the Habeas Corpus act was not then suspended, but our ancestors trusted to the excellence of the Government, and the vigour and energy of the laws, to preserve them from any danger which might arise from such ancient and deep-rooted attachments and prejudices in favour of the departed family. The same in the beginning of the reign of Queen Anne, and in the reigns of George I. and II.—It is to be observed, that the Habeas Corpus act had not been suspended till rebellion in both cases had actually taken place. The persons accused and tried were alledged to be the most active and leading men in the conspiracy originally said to exist. It had been decided by the tribunal appointed to investigate the charge, that they were not guilty of any conspiracy; and as no other persons had been charged and tried for that conspiracy, it was the strongest possible proof that no such conspiracy existed. Yet, said the noble Lord, upon the evidence adduced in proof of that conspiracy, and upon that alone, their Lordships were desired to give their sanction to the continuance of this important act; he for one could not consent to do so, and therefore he would give the present motion his decided negative.

The Duke of LEEDS assured their Lordships, that it was not his intention to have troubled their Lordships at all this evening with his sentiments, after the very ample manner in which he had delivered them on the passing the original bill for the suspension of the Habeas Corpus act, if it had not been for some part of what

had fallen from his noble friend who had juſt ſat down. He could not agree with the doctrine in the argument of his noble friend, which ſaid, that becauſe the priſoners on the late trials were acquitted, that therefore no conſpiracy exiſted; he was altogether of a different opinion. His Grace aſſured their Lordſhips, that he by no means intended to caſt the leaſt reflection on the juries who acquitted the perſons on the late trials; on the contrary, he was of opinion they had acted fairly and properly. Yes, the priſoners were, he thought, properly acquitted. But ſtill this did not by any means prove that no conſpiracy had exiſted. The noble Duke ſaid, that the Committee appointed by their Lordſhips, of which his Grace mentioned himſelf to have been one, had acted with the utmoſt care, deliberation, and zeal, in their inveſtigation of the maſs of papers which contained the correſpondence of the ſeveral ſocieties implicated in the charge of this conſpiracy, and on the fulleſt conviction, after the moſt mature conſideration they had drawn up the Report, on the credit of which their Lordſhips had paſſed the original bill; on the contrary, his Grace ſaid, he was more convinced of it than ever, and if any thing had been neceſſary to convince his mind more than it was convinced by the papers before mentioned, and contained in the Report, it would have been abundantly ſupplied when he adverted to the defence made by the ſeveral priſoners on their trials—[Hear, hear, hear!] His Grace repeated—Yes, it would have been abundantly ſupplied by the defence made by the ſeveral priſoners on their trials. The noble Duke proteſted to their Lordſhips, that he was firmly convinced a conſpiracy of a dangerous nature did exiſt at the time of making the report, and paſſing the original bill for the Habeas Corpus act; and as he could not ſee how circumſtances had ſo varied, as to render the danger leſs than before, from the evident proof, that great numbers in this country were infected with the principles of the French—nay, when he ſaw, his Grace ſaid, the very great acquiſition of ſtrength the French had acquired in point of territory—when his Grace viewed the topographical extent of coaſt which they had added to that which they poſſeſſed before, he ſaw no reaſon to apprehend an abatement of our danger, and therefore ſhould give his hearty aſſent to the preſent motion.

The Earl of WARWICK apologized for troubling their Lordſhips with his ſentiments on the preſent occaſion, but as he underſtood he had been cenſured by ſome of his friends for giving a ſilent vote on the paſſing the original bill, he was induced to crave their Lordſhips' indulgence till he ſaid a few words upon the ſubject. His Lordſhip ſaid, he had always thought the Habeas Corpus act

ought never to be fuſpended but in caſes of the moſt urgent neceſſity and apparent danger—theſe, his Lordſhip ſaid, he thought exiſted to a very great degree. The noble Lord then trod over nearly in the ſame words, the ground on which the noble Duke had before deſcanted, and declared himſelf perfectly in favour of the preſent motion. His Lordſhip ſaid, there were certain Lords in oppoſition, who, when he heard them deliver their opinions, he thought they more reſembled French Demagogues, than Lords compoſing a part of a ſober and ſerious Legiſlature. [Hear, hear, hear.] His Lordſhip ſaid he would not ſhrink from his words—he was not to be deterred from freely delivering his opinion, by the fear of his words being taken down. He greatly reſpected an oppoſition which originated from principle; but when he ſaw oppoſition ariſing from party purpoſes, prompted by perſonal ambition to poſſeſs power and place, or degenerating into faction, he then could give it no other notice than that of his utter contempt—He ſhould ever deſpiſe it. His Lordſhip then went into an inveſtigation of the preſent war, which after ſome time commenting upon, he confeſſed, that his obſervations on that head were not applicable to the ſubject at preſent before their Lordſhip—apologized for his digreſſion—and declared the motion ſhould have his decided ſupport.

The Earl of CARLISLE ſaid, that he would not have troubled the Houſe upon the queſtion immediately before them, but for ſome things that fell from a noble friend of his. That noble friend had ſtated, that the acquittals of thoſe perſons tried at the Old Bailey, were a complete proof that no conſpiracy had exiſted in the country; this he denied, and contending as he had done laſt year, that there were ſufficient grounds to believe that a conſpiracy did exiſt, he knew of nothing which had happened ſince, that tended to alter his opinion in the leaſt. As to the trials, he did not mean in the moſt diſtant manner to inſinuate that improper verdicts had been given, he believed otherwiſe; but from the very defences of the perſons tried, there could not be a doubt, that a conſpiracy had exiſted. The noble Earl might as well ſay, that if a dead body was found with marks of violence upon it, the Coroner's inqueſt could not with propriety bring in a verdict of murder, becauſe they did not know who the murderers were. The next propoſition, or rather charge, which the noble Earl had made, and which was equally repugnant to his feelings, was that Miniſters had attempted to take away the lives of individuals; but certainly the noble Earl was not aware how far this charge extended, not merely perſonal to Miniſters, but equally bearing againſt the many noble and honourable perſons who compoſe His Majeſty's Privy Council, and who had

formed their opinion at the time, that there appeared to them ſufficient grounds to adviſe the meaſures that had been ſo properly followed up. The next argument, which he was as much diſſatisfied with, was, that becauſe a man was tried for a great offence, and acquitted by a jury, he muſt therefore be innocent of every inferior crime, and from the moment of his acquittal, be again a fit perſon to return to ſociety, as an innocent and immaculate character. He admitted that the acquittal at the Old Bailey was a perfect legal waſhing away of all imputation of that crime attaching upon thoſe individuals. The law could do no more—But there was a tribunal beyond the Court, that of the Public, who would decide whether a crime had been eſtabliſhed, and whether thoſe accuſed had been the perpetrators of it, though they had eſcaped the ſentence of the Court—In illuſtration of this, his Lordſhip quoted the caſe of Cook and Criſp—The latter was indicted upon the Coventry act, for maiming and defacing the other—He pleaded, he intended to murder: had this horrid plea been admitted, would the Public have conſidered that avowed murderer innocent; becauſe by the law he ſtood acquitted of every thing laid to his charge.

As to finding the bills eſtabliſhing guilt, the noble Earl maintained that evidence did appear before the grand jury, convincing them there had been commitments of crime, and that certain individuals were by that evidence ſuppoſed to be the perpetrators of that crime—but leaving the eſtabliſhment of their guilt to a trial by the petty jury. A petty jury afterwards thought it proper to acquit the perſons charged, it did not follow the crime was merely ſuppoſitious. The noble Lord had laſt year approved of the meaſure, and ſaw no leſs neceſſity for it now from any thing that had happened, or was likely to happen; he would, therefore, give it his vote, and thanked the Executive Government for the wiſe meaſures they had purſued for the internal quiet of the country.

The Earl of GUILFORD ſaid, his noble friend had completely miſconceived all that he had ſpoken; it was therefore neceſſary that he ſhould ſet him to rights. With regard to the verdicts that had been given, he had ſaid that they eſtabliſhed one of three points—that no traitorous conſpiracy exiſted at all; if it did, that it was not a conſpiracy amounting to treaſon; and laſtly, whatever the nature of the conſpiracy was, that the perſons brought to trial, as the moſt active in it, were not guilty of the crime charged againſt them. Either of theſe inferences would ſufficiently ſuſtain his argument in his oppoſition to the preſent bill. Thus much he had ſaid in explanation, and he would have then ſat down, had not a noble Earl who before, (Warwick) made a moſt unwarrant-

able attack upon all those noble Lords who had expressed their honest indignation at the conduct of Ministers, when he attributed to a part of the Opposition, factious or ambitious motives. Such motives were strange to his bosom, and he honestly believed to the bosom of every man with whom he acted. He despised, in as strong terms as the noble Earl, or any man could utter, the idea of opposition to Government, upon such base principles as the noble Lord had insinuated—the desire of peace, or the violence of faction.— Certainly no man could, or would, dare to accuse the Opposition with which he acted, of the first charge, because it could not be done with fairness or with truth; and as to factions, he would only say, that the present Opposition had fixed itself, in the first instance, on a constitutional basis, when it opposed a Ministry who had obtained possession of power, by the most unconstitutional means.— The subsequent conduct of that Ministry, their use of the power which they had thus acquired, by no means entitled them to an increasing portion of confidence. Was it on the present occasion that the noble Lord would rest his charge against the Opposition? They would there be found, he trusted, making a constitutional stand against a most unnecessary and unconstitutional exercise of power. Did the noble Lord suppose him actuated by views of ambition or of faction? He could lay his hand on his bosom, and say, that in his opposition he was merely actuated by the purest sense of what he owed to his country, to their Lordships, and to himself.

The Earl of WARWICK replied, that he had spoken from the impulse of his mind that which he felt himself disposed by no means to recal. He was ready to say, that no part of the observations which he had made belonged to the noble Earl who had last spoken; to him he gave full credit for the integrity of his intentions. But he could not depart from his idea when he saw noble Lords descending into *minutiæ*, to use no worse a term, when the perilous situation of the country required, in his mind, the most perfect unanimity in that House, and a strong concurrence without its walls. In a contest like this, there must be of course some local distress, and some unlooked-for difficulties. He did not like to see any noble Lord, under such circumstances, coming down to that House, his pockets laden with the detail of provincial distresses, for the purpose of influencing the general opinion of that House.

The Earl of LAUDERDALE said, it had not been his intention that day to deviate in the slightest manner from the great question before the House; but he should be wanting in duty to himself, to those with whom he acted, and to the House, were he to pass entirely unnoticed what had been said by the noble Lord who spoke

last. He agreed with the noble Earl in his ideas of what was a proper opposition, but he must contend that there never was a fairer or more constitutional opposition, than that to which the noble Earl had so strangely attempted to attribute improper motives. How such an idea could have come into his head, on this particular occasion, he thought was rather unaccountable; or why, this day, when such a measure was brought forward, and upon such frivolous grounds, those who opposed it were to be accused of ambitious views and love of office, he could not tell; for, surely, if ever there was a time when ambition of that sort, and envy of place, was out of the question, it must be, when the Ministers had degraded the country, and brought it into its present disastrous situation. But he was almost ashamed to have taken up so much of their Lordships' time, in replying to such futile and ill-applied observations, when a question of so much real importance was before them. With regard to the suspension of the Habeas Corpus act, he would insist, that no former instance could be produced, in the history of this country, since the Revolution, where it had been suspended, without an absolute and pressing necessity, which was not even pretended to exist at this time, even by those who had brought forward the measure. The noble Secretary of State had contented himself with the old exploded doctrines of plots and conspiracies—conspiracies conjured up last year, and now completely refuted. He had expected, that, in the course of the discussion, some new plots and treasons, or some real traitors or conspirators, would have been pointed out; but that was not even attempted. Much had been said of the effect of the verdicts of the juries; he wanted no such proofs to convince him that traitorous conspiracies did not exist in this country; he was fully convinced of it from the first, but he thought enough had come out upon these trials to induce those who thought otherwise last year, to change their opinions now. His opinion of the evidence contained in the Report of last year, which formed likewise the evidence on the trials, was the same as that delivered by a noble and learned Lord (Thurlow) in his place at that time, and whose absence he regretted now, because he would have repeated it. It was that great man's opinion, that, in the practices of those people, there was much of sedition, but nothing that amounted to treason. He contended that, considering all the opportunities that Ministers had of superior information, and great legal assistance, it was not probable that they would have brought to trial as the chief conspirators persons whom they knew were not so; and that being the case, it followed that those persons being acquitted, and no other conspirators known, the conspiracy, if it did

exist, must be what it had been called—a conspiracy without conspirators. And hence he must observe the inaccuracy of the preamble of the bill, which stated the positive existence of a traitorous conspiracy, founded upon the evidence of those papers and documents, not one of which had been proved. As to the stress which should be laid upon the acquittals, he had no hesitation in stating, that he would certainly prefer the verdict of a jury, deciding upon their oath, after a full investigation of the case submitted to them, to their Lordships' Report, drawn up from papers laid before them by Ministers. The noble Secretary of State must agree with him in this, when he had, in support of his argument, the authority of a person and measure which he must certainly respect. Here his Lordship alluded to Mr. Grenville's act to determine Contested Elections, when it was thought impossible to obtain a fair decision on such political questions, except by putting the Members of the Committee upon oath. It had been said that the evidence at the Old Bailey had been proved; instead of which, it had only been given, at least such must have been the opinion of the juries. He deprecated the doctrine that a fair acquittal did not completely do away every degree of suspicion. He quoted the authority of Lord Chief Justice Eyre, in favour of his argument, that if the grand jury had not found the bill against any of the suspected persons, they were to be completely absolved from all suspicion of guilt, either moral or legal. A noble Earl had quoted the Bury case; he would quote another that happened, he believed, in the same county, Watson *versus* Henry. The action was brought for perjury, but that part of the oath being omitted which was supposed to constitute the perjury, a verdict was found for the defendant; but Watson, not satisfied, afterwards published an advertisement reflecting on the other, and stated, that though he had been legally acquitted, there was still great presumption of his guilt. Upon an action for damages brought for this advertisement, Judge Ashhurst considered the particular circumstances of the case as an aggravation of the crime, and stated the conduct of Watson to be highly criminal, and proceeding upon a base system of persevering malice. He did not say that those who pretended to entertain suspicions against the acquitted persons, were capable of persevering in malice, but merely stated the learned Judge's opinion on that case. He contended, that nothing had been proved against the persons tried, but what could be legally proved against persons in that and the other House of Parliament—he meant a strong desire to bring about a reform in Parliament. He had been alluded to in another place, where he could not answer for himself, and it had been asserted, that what

he had ſtated in a publication lately, was not accurate, on the ſubject of perſons now in Adminiſtration taking an active part in theſe proceedings for reform. Wherever he had an opportunity of anſwering, he would ſay what he did then, that he was ready to give perfect and legal proof that what he had ſtated was accurate. It was ſtrange that an individual ſhould have conſidered himſelf as alluded to, when he ſtated what he had mentioned as having been given from authority; for certainly that individual could never ſuppoſe that his late change of principles and extraordinary conduct entitled any thing that he ſaid to be ſtated as coming from authority. His Lordſhip could ſee no other motive for paſſing this bill now, but a continuation of the ſame ſyſtem of alarm with which Miniſters had deluded the country laſt year, and which they found neceſſary to their own exiſtence, after having plunged the country into a moſt ruinous war, and when, by entering upon another campaign, they perſiſted to increaſe the dreadful calamities already incurred. His Lordſhip ſaid he could not do better than call the attention of the Houſe to an author whom they had all read with pleaſure, and to a part of his works, which applied very ſtrongly in the preſent Miniſterial ſyſtem, he meant Dean Swift, in his Diſcourſe on the Art of Political Lying. In the ſixth chapter, he treats of the Miraculous, by which he underſtands any thing that exceeds the common degree of probability. Certainly the conſpiracy which Miniſters brought forward was of this ſort, as appeared from the funds that were to be uſed, the number of pikes that were found, and claſped knives, which were, without the aid of conſpirators, to be employed to effect it. His Lordſhip continued to read next of *terrifying lies*, concerning which the author gives ſeveral rules, one of which is, "that terrible objects ſhould not be too frequently ſhewn to the people, leſt they grow familiar." He then went on—He ſays, "it is abſolutely neceſſary that the people of England ſhould be frighted with the French King and the Pretender," (or with French principles, which is much the ſame) "once a year, but that the bears ſhould be chained up again till that time twelvemonth. The want of obſerving this ſo neceſſary precept, in bringing out the *raw-head* and *bloody-bones* upon every trifling occaſion, has produced great indifference in the vulgar of late years." His Lordſhip proceeded—Towards the end of this chapter, he "warns the heads of parties againſt believing their own lies, which has proved of pernicious conſequence of late, both a wiſe nation and a wiſe party having regulated their affairs upon lies of their own invention. The cauſes of this he ſuppoſes to be too great a zeal and intenſeneſs in the practice of this art, and a vehement heat in mutual converſation, where-

by they perſuade one another that what they wiſh and report to be true, really is."—Now, if this be applied to any ſort of men, it certainly came home to the preſent rulers of this kingdom, for the ſyſtem of keeping up alarm and terrifying the country, being the only one ſubject upon which the preſent cabinet could poſſibly agree, it was of courſe the one they generally ſpoke of, and however ridiculous that ſubject might be, it was not impoſſible that they might have talked themſelves into a belief of it. The noble Earl then adverted to what the Duke of Leeds had ſaid, and profeſſed himſelf much obliged to his Grace for having condeſcended to notice him. If His Majeſty's Miniſters had ſtated the grounds of the preſent bill to have been the fear of an invaſion, he would have conſidered that as much better grounds to go upon than what they had ſet forth. If any dread was lurking on that ſubject, it would undoubtedly have a different effect on their Lordſhips, but it was neceſſary that theſe feelings ſhould be ſtrengthened by more official information. Such an idea, if really founded, ſhould be plainly eſtabliſhed. It was neceſſary, as it did not appear, even by a ſhadow of proof, that an internal rebellion did exiſt in this country. Thoſe who intimated the contrary were guilty, in fact, of a libel on the loyalty of the people.

Lord HAWKESBURY differed entirely from the noble Earl who ſpoke laſt, both as to the general ſtate of facts, and as to the inferences which ought fairly to be drawn from them. The firſt propoſition of the noble Lord was, that there exiſted no ſuch conſpiracy in this country as would juſtify Miniſters in calling upon Parliament to ſuſpend the operations of the Habeas Corpus act; and, in order to maintain this aſſertion, the noble Earl contended that the acquittal of the perſons accuſed of high treaſon, was a proof that no conſpiracy whatever exiſted. In the firſt place, the verdict of the jury by no means went the length of negativing the exiſtence of the conſpiracy: but even if the jury had gone the length of declaring it as their opinion, that there was no foundation for the charge of the conſpiracy, ſtill he conceived that ſuch a declaration would not be binding upon this ſubject. He would conſider the ſubject in the latter point of view, merely for the ſake of the argument, and ſuppoſe that the jury had given it as their opinion that there did not exiſt a general conſpiracy. The ſubject was examined into with every poſſible degree of minuteneſs before the Privy Council—a Council, he would venture to ſay, as reſpectable as ever ſat; it had the aſſiſtance of the Law Officers of the Crown; it had alſo the aſſiſtance of perſons who had preſided in the Courts of Law. Upon the fulleſt examination which the

Council so composed could give to the subject, it appeared to them that there did exist a conspiracy of a dangerous nature in this country. The business was investigated into by Committees of both Houses of Parliament, and they, having perused all the written documents upon this subject, concurred in the same opinion. The question was then referred to the consideration of a Grand Jury; and here he begged the House to recollect that the evidence of the existence of the conspiracy, viz. the written documents which were submitted to the Grand Jury, was very nearly the same with that afterwards laid before the Petty Jury. The bills were found by the Grand Jury, which was a decisive proof that they believed in the existence of the conspiracy, for they could not otherwise have found the bills. Here, then, was a concurrence of opinion of the Privy Council, the Houses of Lords and Commons, and a Grand Jury, all agreeing as to the fact of the existence of the conspiracy, which he conceived to be a very strong authority upon the subject: but how did it appear that the Petty Jury differed from them in their opinion of the conspiracy? How did it appear that their verdict was founded upon their disbelieving its existence? No one fact appeared to justify such an idea; on the contrary, the more rational and probable opinion was, that the Juries were satisfied of the existence of the conspiracy, though the guilt of the parties accused was not made out clearly to their satisfaction. Another proposition stated, and from which he must also dissent, was, that the acquittal of the Jury purged the character of the person of the imputation of moral guilt. He felt as much veneration as any man for the institution of the trial by Jury: but he conceived it no disrespect either to the institution itself, or to any particular Jury, to say that a verdict of not guilty, was not necessarily a proof of the entire innocence of the persons acquitted. The experience of every day proved the contrary: no noble Lord would undertake to say, that every person acquitted during the year at the Old Bailey, was thereby wholly purged of all imputation of moral guilt, or that the Jury who acquitted him founded their verdict upon their being satisfied of the perfect innocence of the party accused. But it had been said, can there be a conspiracy without a conspirator? No; undoubtedly not: but there might exist a conspiracy, though, at the same time, it might be impossible to bring legal proof of guilt against any individual.—His Lordship then adverted to the objects of the different societies, and contended they were of a nature to call forth all the vigilance of the Executive Government. The pretext that their plans were confined to the object of a reform in Parliament, was one of the most absurd assertions he had ever heard. What had

their addresses to the Jacobin Club, or to the Convention, to do with reform in Parliament? Nay, as if they had been determined to express in the most clear manner their ideas of Government, they never once addressed the National Convention while there was a King upon the Throne, though a nominal one: no, then they addressed the Jacobin Club; but the moment the King was deposed, then the societies of England thought the Convention a fit body for them to correspond with. These were facts which, in his mind, admitted but of one interpretation, and which enabled him to ask whether any person believed that the Parliamentary Reform which had been held out, was the sole object of those societies, and to term the vindication of their views which had been set up on that ground, a mean and pitiful defence. Upon the whole, he thought Ministers had done their duty in taking the steps they had, and he should give them his entire support to this measure.

The Duke of PORTLAND said, it was not his intention to have intruded upon their Lordships' patience, had it not been for an imputation which had been thrown upon him, and which he was anxious to repel. A noble Earl (Lauderdale) had insinuated that he had been a friend to Parliamentary Reform; and he understood that the same noble Earl, in a pamphlet which he had written, had advanced the same charge. He had never read the noble Lord's book, nor probably ever should, but he had been told it contained such an assertion. That he had ever been an advocate to Parliamentary Reform, in the present sense of that expression, he most completely denied; that he had supported some measures which tended to an œconomical Reform, was certainly true; but he appealed to every person at all acquainted with his political principles, whether he had not always disapproved of a Reform in Parliament in the way at present understood by that expression.

Lord LAUDERDALE said that, not having been in public life at the period alluded to by the noble Duke, he had recourse to the best and most authentic records of those times, from which the noble Duke must be considered as a supporter of Parliamentary Reform, if he was to be judged upon the same rules of evidence as Horne Tooke, or any other man, in consequence of having not only attended, but taken part in the proceedings of societies distinctly avowing that object. He cited the minutes of the Middlesex meeting, in 1780, to which the noble Duke had given his assent.—The object of that meeting was precisely "to restore and secure the freedom" and independence of Parliament. Did their Lordships then suppose, that there was any thing in this claim differing from a demand of a parliamentary reform? The noble Duke, in that

case, it was to be obſerved, continued a Member of the Weſtminſter Committee, after it had decided for annual Parliaments, and the vote of ſeptennial Parliaments was an outrage on the Conſtitution. Theſe were grounds ſufficient for him to proceed on; though when the noble Duke had now ſaid, that he never had lent his ſanction to Parliamentary Reform, he by no means wiſhed to contradict his declaration. As to the noble Duke, not having read his book, having once eſteemed him as a political character, and ſtill continuing to eſteem him as a private man, he was glad that the noble Duke had not read the criticiſms which a ſenſe of public duty had compelled him to make upon his recent conduct. His Lordſhip then read extracts from the proceedings of the Middleſex, Buckingham, and York meetings, in the year 1780, from which he endeavoured to infer that the noble Duke was a friend to Reform at that time.

Earl SPENCER denied, in the moſt unequivocal manner, that he had ever given his ſupport to a Reform in Parliament in the preſent wild acceptation of the phraſe. He contended, that a Reform in Parliament in the year 1794, conveyed very different, if not directly oppoſite ideas.—The plans of the Reformers, in the year 1780, went to certain alterations in the Houſe of Commons, ſome of which have ſince taken place, ſuch as the bill relating to Contractors, to Exciſe Officers, &c. and therefore nothing could be more unfair than, becauſe a man might wiſh for a certain degree of reform in 1780, to attribute to him all the wild theories of the modern Reformers. His Lordſhip then entered into a vindication of his perſonal conduct. He ſaid, that while yet a young man, he had been induced to join ſome of thoſe meetings, whoſe profeſſed purpoſe it was to bring about a popular Reform. He found that there were men amongſt them whoſe purpoſe overleaped their profeſſions, and he, therefore, withdrew himſelf altogether. With reſpect to his recent conduct, he ſhould ſay, once for all, that he ſhould not have quitted his former friendſhips, if he did not believe that the ſeaſon had arrived, when it was neceſſary for every man, forgetting his private feelings, to lend his beſt ſupport to the Conſtitution.

The Earl of GUILFORD ſaid he had not imputed any perverſe motives to any noble Lord: he had only repelled, with a degree of warmth which he muſt ever feel, the motives which had been aſcribed, but which did not belong to the remaining Members of the oppoſition. If any perſons actuated by ſuch motives had been once connected with oppoſition, they had lately withdrawn themſelves from the party.

Lord LAUDERDALE obſerved, that the meaning of the words Parliamentary Reform were certainly not changed. The motives and the objects of the Reformers were obviouſly the ſame at the preſent and the former period. He did not impute any ſiniſter intentions to any noble Lord, much leſs to the noble Earl (Spencer) who had lately ſpoken. If he had a particular conſolation in the loſs of his ſupport, it was in the idea that he was well qualified to inform his new friends how little he (Lord Lauderdale) was actuated by proſpects of place, of power, and how much more eager he was in the ſupport of his principles and his party, in proportion as theſe objects were more remote.

Lord SYDNEY roſe to bear witneſs to the aſſertion of the noble Duke (Portland), that neither he, nor the late Marquis of Rockingham, ever ſupported what is underſtood to-day by a Parliamentary Reform, nor any thing like it.

His Lordſhip ſaid, it was high time to bring back the Houſe to the queſtion which they had ſo long loſt ſight of, namely, the neceſſity of ſtrong meaſures to repreſs the new doctrines that have been lately preached, and avert the danger with which they threaten the conſtitution. To have a proper ſenſe of the danger of thoſe doctrines, ſaid he, let us look abroad, my Lords, to thoſe countries where they have been introduced: let us look to the preſent deplorable ſituation of Genoa, which I ſaw in my youth, and then conſidered as one of the moſt happy, the moſt free, and the moſt bleſſed countries in Europe.—Here his Lordſhip enlarged with great feeling and at ſome length upon the revolution of Genoa, for the particulars of which he referred the Houſe to a moſt intereſting pamphlet juſt publiſhed, which he recommended to the ſerious reading, not only of all their Lordſhips, but of every man who wiſhed to know from hiſtory itſelf, the nature of the new doctrines, their conſequences, and the means by which they are brought into action. His Lordſhip read the following paſſage from Mr. d'Ivernois' pamphlet. [Vide the pamphlet printed for P. Elmſly and J. Debrett].

"In ſo ſhort a ſpace of time as eighteen months, did the revolutionary peſtilence reduce the once happy and flouriſhing Genoa to a ſtate of anarchy, miſery, and depopulation, of which modern hiſtory affords no other example. And let not the people of this country forget that the firſt ſymptom of the contagion was the adoption and uſe of the term *citizen*; from the familiar eſtabliſhment of that term, it proceeded to the right of *univerſal ſuffrage*, which was ſoon followed by the meeting of a *National Convention*; this Convention was ſucceeded by the erection of a *Revolutionary Tribunal*, which, after ſuſpending the actual Government of the country, and plundering, baniſhing, or putting to death,

every man of property and principle, has at length established a system of despotism, whose wanton tyranny and unprovoked cruelties, as completely refute the assertion that the barbarities perpetrated in France are to be imputed solely to the combination formed against her, as the share taken by that power in the petty revolution of Genoa, exposes the impudent hypocrisy of the pretence that she never interfered in the domestic concerns of other nations."

It was, said his Lordship, to save this country from similar scenes of horror, that made him an advocate to strengthen the hand of Ministers with strong powers; and as he had no doubt that the passing of this bill would be an effectual means of crushing that conspiracy which evidently did exist, he should give the bill his support.

Lord HAY thought the bill extremely proper under the present circumstances, and therefore said it should have his vote.

The Duke of BEDFORD said he would, in as few words as possible, state to their Lordships the reasons why he would not give his assent to the present measure. When Ministers last called upon the House for the suspension of the Habeas Corpus act, it did not appear to him that they laid sufficient ground to authorise the taking of such a strong measure. It appeared to him that they exaggerated the danger to answer their own purposes, and that there was very litte foundation, if any, for the alarm which they had taken so much pains to exite.—Upon that impression he had opposed the bill last year; but if he thought the measure wrong then, it appeared to him infinitely more so now. He expected, for his own part, to have seen the Ministers coming before that House with a due expression of penitence for having led the people and the Sovereign into the belief of such plots; instead of coming to demand, as they did, a continuation of the bill of last session. He admitted that much sedition had been proved in the late trials, but nothing like treason had appeared. He thanked God that there was energy and virtue enough remaining in the country to pronounce, in such a case, a verdict of acquittal. He reprobated the circumstance of treating that as a mean and pitiful defence, which had been confirmed by the verdicts of repeated Juries. The acquittal of every person charged with treason was, in his mind, a decisive proof not only of the innocence of the persons acquitted, but of the non-existence of the conspiracy; for he could not suppose, if it did really exist, and with the view imputed to it, that Government would not have been able to bring home the charge to one individual. He thought this was a measure that ought not to be adopted upon light grounds; but that a very clear and satisfactory case should be made out before

Parliament assented to it. He said no such case had, in his opinion, been made out in the present instance; and he should therefore feel himself bound in duty to oppose the bill. He concluded with reminding the House, that they were placed as a barrier between democracy and despotism; that they were not only the guardians of the rights of the Throne, but of the privileges of the people; and that they ought equally to beware how they permitted themselves either to trample upon the one, or to trifle with the other.

The Marquis of LANSDOWNE said, it was not his intention, when he came into the House, to take a part in the debate; but he felt it impossible to give a silent vote upon this subject, after the way in which he had heard it treated. He had been led to hope that Ministers would have suffered this bill to die a natural death, because he knew they must be completely satisfied in their own minds that there was no necessity for its continuance. He knew too much of mankind to expect that Ministers would come forward and acknowledge their error. Penitence and power were very seldom travelling companions together in the same coach. He thought that, as the present bill was meant solely for the vindication of Ministers, they made a decent retreat, by not prolonging it beyond the session of Parliament; they had thus, as it were, paved the way for its natural death, and he wished that any prospect as soothing and consolatory, was afforded with respect to the ruinous and destructive war in which the country was engaged.

There had been some propositions advanced during the debate, which appeared to him of a very alarming nature. In the first place, there had been a kind of comparison drawn between the effect of a verdict of a jury and the determination of Committees of both Houses of Parliament—Nothing could be more improper than to make comparisons of this nature, particularly when there was not the slightest occasion for them—But he did not hesitate to say, that if even the time should happen in which the one should be put in competition with the other, he would pay fifty times more respect to the verdict of a jury than he would to the determination of a Committee of either House, or to the resolutions of both Houses together, who, upon a point like this, could only be considered as a political body. He remembered a coarse phrase of Lord Grantley, which, though coarse, was certainly just, "That he should regard such resolutions no more than he should those of a set of drunken porters." Very different was the case, with respect to a jury of twelve plain, honest, impartial men, whom the law selected to judge of the merits

of a case, and whose verdict the Constitution decreed, in every instance, to be final and decisive. An idea, equally new and equally unfounded, had been urged during the debate; it had been said, that an acquittal only prevented a man from being tried again. This doctrine was subversive of every idea he had formed of the law of England.—The civil law, the Roman law, and the old French law, all had distinctions in their mode of acquitting; but the English law, disdaining such idle distinctions, said that a man should be pronounced either guilty or innocent. He, for his part, did not believe that there was any such conspiracy as had been alledged, not that he had any means of information on the subject, but because Ministers, with all their power and all their vigilance, had not been able to bring it to light. If there was no such conspiracy, it was unjust as well as impolitic, to sow new distress at a moment when the fearful situation of the country called for all its union, and all its energy. If there was a dumb discontent, such as had prevailed in several of the nations on the Continent, and which had greatly accelerated the progress of the French, it was high time that, instead of sowing dissentions, the causes of this discontent should be removed. It was, in his mind, the first duty of a Minister to make the King satisfied with his subjects, and the subjects contented with their Sovereign. With respect to some allusions which had been made to ambitious feelings in a part of the present opposition, he could not say to whom they applied. If meant to him, he should treat the imputation, let it come from whatever quarter it may, with contempt. It was a charge, and on this subject he could appeal to both sides of the House, contradicted by the uniform tenor of his life.

The LORD CHANCELLOR lamented that a subject of so much importance as this should be so much misunderstood. The whole question had been argued as if this was an entire suspension of the writ of Habeas Corpus; instead of which, only so much of the act was suspended as related to treason, to misprision of treason, and traitorous practices. It was certainly true that there ought to be strong grounds laid before Parliament before they ever give their assent to this partial suspension, but he thought very little doubt could remain in the minds of their Lordships upon that subject. The noble Lords who opposed the bill, had accused Ministers with wishing to keep to themselves this extraordinary power; but if noble Lords would consider for a moment, it was a most painful duty imposed upon Ministers rather than a desirable object for them to obtain. The only effect of the suspension was, that persons taken up for any of the offences he had mentioned before, could not force on their trial within the same period that they might if the bill did not

pass; but in every other respect Ministers were as much, and indeed more, responsible than they would be, if the Habeas Corpus act were in force. They had no more authority in consequence of its passing than any other Magistrates; they were answerable to Parliament for the proper use of this power, and they were responsible also to the individuals by the law of the country. So far, therefore, from its being a desirable object to Ministers, it must be directly the reverse. He then went into a description of the dreadful system which had been exhibited in France, against which the present measure was calculated to operate as a preventive and guard. He drew a strong picture of a supposed sedition in this country, dormant, but not extinguished, and ready to kindle into a flame with the first opportunity. The machine was framed and organized, and only wanted an impulse to put it in motion. He paid some high compliments to the Duke of Bedford, but said, that his generous nature was such, as to forbid suspicion.

His Lordship observed, that with respect to the expression of the noble Marquis upon the effect of the resolutions of either House, and the account which he gave of the assertion of another Nobleman upon that subject, he was perfectly ready to admit the truth of the recital; the story was well known; for the coarseness of the original sentence had made a deeper impression than it would have done if it had been conveyed in more civil language; but then it was not applied to the idea that the resolutions of either House of Parliament were to be disregarded. It was only that such resolutions could not be regarded as law, nor stated as such by a Judge to a jury. As to the idea that the verdicts on the late trials must be taken as proof of the innocence of parties, he was ready to to say that he could not come to the same conclusion which some noble Lords had arrived at. The operation was only this—the party was, by the acquittal, restored to all the credit he had, in a legal sense, prior to the accusation; but the principle that every person must be deemed, in the opinion of every man who heard his trial, perfectly innocent, was neither consonant to common sense nor to the practice of the law. He wished their Lordships to reflect on the possible consequence of the doctrine, that the verdict of a jury could not be reviewed or deliberated upon; what would then become of men who might be found guilty by mistake, or by false evidence, or any other circumstance which might attend a trial? the person convicted of a capital offence could not be pardoned by the Crown; for if the verdict was to be considered at all events perfect, it must be absolute on the unfavourable, as well as on the favourable side. No person who had ever attended the circuit, or who attended to the Recorder's

report, would agree to that, becaufe it tended to deprive many unfortunate perfons of the mercy of the Crown. The only legal effect of any verdict was, that a perfon acquitted fhould not be tried again upon the fame charge, but fhould be reftored to his former rights. There was no man who had filled the character of a Judge, who did not often recommend perfons to mercy who had been convicted, on the ground of their innocence; therefore if the propofition were once laid down broadly, and taken as equally binding each way, it would be productive of confequences very injurious to humanity. The noble Lord then took a view of the ftate of affairs at the periods in which this act had formerly been fufpended, and compared the danger of thofe times with the prefent, proving how infinitely more critical and alarming the prefent period was. With regard to the power which was faid to be given to Minifters by this bill, he could only fay, that inftead of regarding it as a power to be envied, he thought it a duty to be lamented; and he was confident that the loyal part of the people expected the bill to pafs as a meafure for their protection.

Lord AUCKLAND expreffed it as his opinion that there exifted in this country at this moment a great many feditious perfons, and that if Parliament did not grant to Minifters the power which this bill was intended to give to them, they would be guilty of very culpable negligence.

The queftion was then put and carried without a divifion.

The Duke of BEDFORD faid, that the refult of the motion which he lately made in that Houfe, was fo diffatisfactory to him, and the fubject which it involved fo important and interefting to the public, that he fhould bring forward another motion of a fimilar nature, which he trufted, would have the effect of inducing Minifters to make a more explicit declaration of their fentiments. He gave notice that he fhould bring forward this motion on Thurfday fe'nnight, and moved that the Houfe fhould be fummoned.—Ordered.

The following PROTEST againft the paffing of the bill for fufpending the Habeas Corpus Act, was on Wednefday entered on the Journals of the Houfe of Lords:

Diffentient, *Die Mercurii,* 4 *Feb.* 1795.

Becaufe, whatever pretence there may have exifted in the laft feffion of Parliament for fufpending the Habeas Corpus Act, that pretence is now removed; the partial *ex parte* examination of the Committees of Parliament having been refuted by the verdicts of juries, who, with labour unexampled in legal annals in this country, ter duly weighing

the evidence on both sides, acquitted the persons indicted for a treasonable conspiracy.

2. Because intentions hostile to the Constitution being entertained by persons, few in number, and devoid of weight and consequence in the country, do not justify the depriving all the people of Great Britain of that security which our laws so anxiously provide for personal liberty.

3. Because we find, that as soon as these plots and conspiracies (which have heretofore caused the suspension of the people's right to their Habeas Corpus) had been dealt with according to law, and that the conspirators had been convicted and punished, the danger being over, the suspension had dropt. In the same manner, when the proved innocence of the accused have negatived the supposed conspiracy, and when it is not even pretended that any new or other plot exists, to continue to suspend this great and essential safeguard of our freedom, is equally contrary to the example set us by our ancestors, and inconsistent with that protection which, as legislators, we are bound to afford to the personal security of all our fellow-subjects.

4. Because we consider that the national spirit of English freedom, to which was owing the high place that we once held amid surrounding nations, is either checked or deadened by causeless acts of despotism; or that the disgust necessarily generated by such a conduct is likely (if any thing can produce such an effect upon this free and enlightened nation) to raise a spirit of disaffection even to the Constitution itself.

5. Because, when we trace the history of the Habeas Corpus Act, we find, among other securities from oppression, it was chiefly meant to ensure to the subject a speedy trial, when accused of treason or treasonable practices, and to avert the tyranny of tedious imprisonment for those crimes. We conceive, therefore, that if the Legislature is, upon all occasions of suspicion of traitorous acts, to suspend the operation of that most important and invaluable statute, security to the subject must be removed at the very crisis, and in the very case when it was meant by the wise and enlightened framers of that law most to shield and protect him.

(Signed) GUILFORD, NORFOLK, E. M.
BEDFORD, LAUDERDALE.

Wednesday, 4th February.

Lord GRENVILLE laid before their Lordships a message from His Majesty, relative to the loan of four millions to be negociated in favour of his Imperial Majesty on his hereditary dominions, under the guarantee of both Houses of Parliament.—[For a copy of the message, see the proceedings of the Commons of the same date.]

Lord Grenville then moved, "That His Majesty's message be taken into consideration on Monday next. Ordered.

The Earl of LAUDERDALE objected to this message, as conveyed in terms of ambiguity which he did not clearly understand.—He wished to know, first, whether the sum of money mentioned in the message to have already been advanced, was to be included in the loan of four millions demanded by the Emperor, or in the

farther loan proposed by His Majesty? Secondly, what sum had been advanced? and 3dly, what security had been given by the Emperor that these 200,000 effective men would really make their appearance in the field next campaign? This last question he particularly insisted upon as indispensably necessary to convince him, as a Member of Parliament, and the People, that their money was not likely to be thrown away, as it had been on another ally of this country.

Lord GRENVILLE did not feel himself disposed to answer questions which he considered as premature, and could not be answered with certainty, the negociation not being yet concluded; but the noble Earl might move for papers on the subject.

The Earl of LAUDERDALE drew a distinction between the loan of four millions demanded by the Emperor for the assistance of 200,000 men, and that afterwards proposed by His Majesty; the first, he said, being doubtless concluded, Ministers ought to be enabled to state to the House what security the Emperor had given for the performance of his contract.

Lord DARNLEY felt no hesitation in declaring, that unless a reasonable ground were given, to satisfy his mind and that of the Public, that these men promised by the Emperor should actually appear in the field, he would not consent to the loan.

The Earl of LAUDERDALE then gave notice, that he would to-morrow move for documents respecting the sums already advanced to the Emperor, and of the security offered for the conditions of the loan.

Thursday, 5th February.

The House having gone through some private business, the Speaker, with several Members of the Commons, attended at the bar, when the Royal assent was given to the bill for suspending the Habeas Corpus act, after which it passed into a law.

The Earl of LAUDERDALE rose to make his promised motions. For the sake of perspicuity, his Lordship said, he would put these separately. He should move, first, "That the documents relative to all the different sums already advanced to his Imperial Majesty, with the dates when paid, should be laid before that House;" secondly, "the security which we had received for these arms;" and thirdly, "what security we were to have that those two hundred thousand men, for whom the Emperor was to have four millions sterling advanced, would actually take the field." His Lordship then said, that the whole of this business was such a jumble as would require a good deal of ingenuity to unravel. It

was his duty to have the plot investigated, as there never was, nor never came before that House, a more novel and more interesting subject of debate. His Lordship observed, that the persons concerned in these money negociations were gainers to a very extraordinary amount. His Lordship then made some remarks on the double meaning of His Majesty's message, as the sentences were divided in such a manner, as that it might be understood two or three different ways; that part which hinted that if his Imperial Majesty's wishes, with respect to a greater sum than four millions, were complied with, he would be still the more enabled to make greater exertions in the common cause; he confessed he could not see how far it might be carried, or where it was to end; but surely His Majesty's Ministers at Vienna must be acquainted with these circumstances. When, last year, his Lordship observed, we had entered into engagements of nearly a similar nature, we were most woefully disappointed in our expectations; for the King of Prussia did not even march those men for whom we had stipulated and paid, into the field; and though we had Commissioners appointed to watch over the motions of these armies, and see that the Generals did their duty, nevertheless his Prussian Majesty found means to elude all our vigilance and precaution. His Prussian Majesty was paid 100,000l. for marching men back who never advanced, and another sum for marching troops forward which were never put in motion: he did not know, but in the present instance, we might be treated in a similar manner; and it was for this reason that he wished to know, on the present business, what security we had to expect on the part of the Emperor for the performance of the engagements entered into.

Lord GRENVILLE saw no reason to object to the first proposition included in the Address. The two others he could not but object to, as interfering with an object at present arranging between the Cabinets of Vienna and London. With respect to the noble Lord's queries, he could at present answer some of them. The sums already advanced to His Imperial Majesty were about 400,000l. —His Imperial Majesty, his Lordship said, had rendered very essential services to the common cause for this money, and had contributed very much, though unsuccessfully, to repress the progress of the enemy. With respect to the security we were to expect, the noble Earl asks what is it? The Emperor himself, said the noble Secretary, is to pay the interest of this money, however high it may be, and the principal he was engaged to discharge out of the revenues of his hereditary dominions; and, as to the fulfilling of the engagements, it was as much His Imperial Majesty's interest to

fulfil them faithfully, as it was ours that he should do so.—Great and important services, he was sure, could be rendered to the common cause by the Emperor; and we were to trust to his good faith for the fulfilling of those engagements.—We were not, his Lordship said, to judge all by the ill-faith of the King of Prussia; if we did so, what allies could we confide in? or what alliances could we enter into? We must in future renounce all treaties and negociations, should we judge all by the conduct of that Monarch.—But he was certain, notwithstanding the tergiversation of the King of Prussia, that treaties might be entered into and executed with fidelity. The motions were then put singly—the first passed, and the two others were negatived.—In course, an Address will be presented to His Majesty, praying that he will be graciously pleased to lay before the House an account of sums advanced to the Emperor.

Friday, 6th February.

No debate.

Monday, 9th February.

Lord GRENVILLE moved the order of the day for taking into consideration His Majesty's message relative to the Austrian loan. The order being read, together with the message, Lord Grenville rose to move an Address to His Majesty. He proceeded to observe that their Lordships had, on so many occasions, manifested it to be their opinion, that the present war ought to be carried on with vigour, that it would be unnecessary for him to say any thing to impress that opinion upon the House: the main object now was to distinguish the steps that ought to be taken to carry that purpose into effect. It was unquestionably true that we ought to confide much in our naval strength, and avail ourselves of our insular situation. For this purpose he maintained it to be his opinion, as it had been the uniform opinion of the best Statesmen that this country ever had to boast of, that we should keep up a considerable continental alliance, to carry extensive military operations against France, in order to divert her from the exertions which otherwise she would be enabled to make at sea against us. This opinion, he said, was so fortified by experience, that he did not believe that any one of their Lordships could doubt it for a moment; the brightest pages in our naval history, he said, were those which recorded the battles we had fought at sea while we had these military alliances to divert the enemy. It was upon this principle that the loan, which occasioned the message now before the House, was proposed, a measure, the necessity of which he trusted was evident, under the present circumstances, to every

one of their Lordships. To him it appeared so evident, that if the whole of the money proposed to be borrowed was to be entirely sacrificed, he should, at this time, all circumstances considered, advise it to be given to the Emperor, rather than lose the opportunity of availing ourselves of the essential assistance which His Imperial Majesty would, by this measure, be able to lend to the common cause. The nature of this war required on the part of the allies, that those who had naval strength, should, to the utmost, exert their naval strength; and those whose pecuniary resources were great, should aid with money those great military powers who stood in need of it. This was the relative situation of this country and the Emperor: his military power was great, but he was deficient in pecuniary resources. Our pecuniary resources were very great, and we wanted his military assistance. In this situation, he thought the measure now proposed the most adviseable that could be adopted under all circumstances, as being the most likely to bring the war to an honourable conclusion. It was to be observed that this was not in the nature of a subsidy to the Emperor, or ultimately to have the effect that the Public was to pay the money. It was to be borrowed of individuals in this country, and we were only to guarantee the payment in the event of the Emperor being unable to do so. His Lordship then proceeded to state the terms of the loan, and maintained that the security of the Emperor in this case was greater than any that had ever been offered on any former foreign loan. As to the real disposition of His Imperial Majesty to perform every article in the stipulation, his Lordship said he entertained no doubt. In considering the affairs of nations, the best way to judge of the probability of any power fulfilling its engagements, was to consider what was its interest, and judging of the Court of Vienna by that test, he was confident that the stipulations on the part of the Emperor would be all most punctually performed, for he was a Prince who had more to gain by success, and more to lose by defeat, in the present contest, than any other power on the Continent; besides he, for one, was ready to contend that a great deal of confidence ought to be reposed in the well known good faith and honour of the House of Austria, so that all points considered, he thought that the real risk which we ran by this loan, amounted to little, and almost nothing. But, on the other hand, he saw not only risk, but also much danger, if this measure was not adopted; for, in that case, the prodigious effects of the unnatural efforts of the French, would not be checked in time, and they would in consequence have an opportunity of recovering themselves from the situation, into which, if properly opposed, they must soon fall. Upon all these grounds, he proposed

to the Houfe an Addrefs to His Majefty, to thank him for his gracious communication from the Throne, and to affure His Majefty, &c.—His Lordfhip having moved the Addrefs, which correfponds entirely with the Meffage,

The Marquis of LANSDOWNE obferved, that nothing but the great importance of the fubject fhould have induced him in the prefent condition of his health to deliver his fentiments in that Houfe. He never approved of the prefent war, but for the prefent moment, for the fake of argument, he would fet that queftion afide, and confine himfelf to obfervations on the fubftance of what the noble Secretary of State had faid to-night. He differed entirely from the noble Lord upon the fubject of continental alliance. He was forry to differ from that noble Lord upon matters of fact, but fo far were the beft politicians that this country ever had to boaft of from agreeing in the fentiments which that noble Lord had juft conveyed to the Houfe, that they were all of an oppofite opinion; he need not name them all, he fhould only allude to fome of them; he meant the anceftors of His Majefty's prefent Minifters; thefe great men had ranfacked the Englifh language to reprobate the extravagance of our German alliances, alliances that were trifling in comparifon to that into which we were now about to enter into. As to the bright pages of our hiftory, he did not agree that they were thofe which recorded our German connections. Here his Lordfhip took a fhort view of our hiftory fince the revolution, and maintained, that from the whole of it taken together, experience taught us to fee the rafhnefs, the folly, and the madnefs of all extravagant continental connections, at all times and under all circumftances, but more efpecially at this time and under the prefent circumftances. He wifhed this meafure to be deliberated upon for fome time, in order that the people might be brought to think upon it, and if after having thought upon it they remained indifferent, inftead of marking it with the moft decided difapprobation, he protefted to God he believed this country would very foon be ruined; fure he was he could have no inducement to come into that Houfe, for his attendance there could be of no ufe whatever. Good God! was it to be borne with patience that from a loan of two millions, Minifters fhould jump all at once into a loan of twenty-fix millions of money to be raifed out of the pockets of the people of this country, who never had, who never could have any return for it but diftrefs and mifery? The indifference in the country to the increafe of public burdens appeared to him to proceed from a fort of infatuation which rendered them carelefs of the increafe of their debt, when it got beyond a certain fum; and it ftrongly reminded him of the

scenes he had beheld when a young man, where persons, who at the beginning of a night of gaming, would at first be extremely cautious of staking larger sums than five or ten guineas, but after losing considerably, no longer regarded what they played for, but would, with more indifference, stake thousands, than at first they had ten. The noble Lord had said a good deal on the interest which the Emperor had in carrying on the war, now, for his part, he did not see any such interest. That the Emperor wanted an indemnity for what he had lost he had no doubt, he would dare to say he did, and he believed that he intended to be indemnified, but then it was at the expence of this country. Suppose the French should be able to secure Bavaria to the Emperor, would he then proceed in this war? "No," said his Lordship, "I will be "hanged if he does." Having made many observations to shew it was not likely to be the interest of the Emperor to continue the war, his Lordship took notice of the reliance which ought to be had on the good faith of the Court of Vienna, and of its honour in the fulfilment of pecuniary engagements; upon this part of the subject he had not any pleasing recollection of the past, and consequently no very flattering prospect of the future. If attention were paid to history, it would be found, that Austria had kept to her engagements no longer than it suited her purpose. In the war in Queen Anne's time, her desertion of this country was notorious. The Silesian loan was another flagrant instance of her breach of faith: she shamefully turned that over to Prussia, and this country had not the courage to stop the payment of the sums due to her out of the subsidies afterwards paid to the King of Prussia. We had therefore no great reason for depending on the good faith of Austria. A great deal had been said of the security offered to the persons engaged in the loan, and it had been called the greatest security that had been ever offered by one power to another. In the first place, it was notorious that the Bank at Vienna was completely under the influence of the Court; and the good faith of that Court towards the Bank was manifested by an insidious reduction of the public creditors, first from six to four per cent. and afterwards to three and a half, by informing them that those which did not chuse to accept that interest might have their capital paid to them. It was not true, that this was the largest security which had ever been given. Not to mention Queen Elizabeth's loan to the Dutch, when she had the cautionary towns as security, he wished their Lordships to recollect the Dutch loan to Russia, when they had the custom-house of Riga given up to them, and their own commissaries there to take care of their interest. If Ministers had had

some security of this nature, he should have been more inclined to agree with them on that subject. It was absurd to talk of the security of such a power as Austria had been admitted to be; a power whose country contained twenty millions of inhabitants, but which was not able to raise four millions of money. He wished their Lordships to recollect, that we had not yet been paid, and now most probably never should, the quota which the Dutch were to advance on the Prussian subsidy; yet the same language was now held out which was at that time. Could they point out any security in the Bank of Vienna against accidents greater than they had done formerly with respect to the Bank of Amsterdam? Did it not now plainly appear that all this was nothing more than an attempt to borrow money, the return of which it would be childish in the people of this country to expect? Did the noble Secretary of State believe, that the people of this country could afford this waste of their treasure, supposing them to be stupid enough to give it away? He had heard much said of the finances of this country; but Ministers might as well pretend that they had an elixir of immortality, as to say that the finances of this country are infinite; the truth indeed was, that our finances would come to an end much sooner than some persons in this country apprehended, if such a system as this was in reality to be adopted. The noble Secretary of State had insisted much on making a diversion for the forces of the French on the continent; by the word diversion, he would understand to be implied, that the force on the continent were inferior to other forces which we had employed in our service, and that the main body were somewhere else; but was this the case? Had we taken any extraordinary care of the West Indies? No, so far from it, we had centred our strength in conjunction with the allies on the Continent, where we had been defeated, and we had looked upon every thing else with a stepmother's eye. The noble Secretary of State had maintained that the Emperor, all circumstances considered, was the most to be depended upon in this contest against the French, but his Lordship had not adverted to the geographical situation of the parties. The forces of the Emperor must come from Vienna, and of all the iron frontier which made France almost impregnable, the nearest of the places to which the Austrian troops could march, in order to attack the French, was not less than three hundred miles; would the noble Secretary of State reflect on the probability of success against the French, who would thus be fighting on their own ground, and the Austrians, who were obliged to endure the hardships of a march of three hundred miles? He might perhaps be asked, what better could we do under the present circumstances of

our affairs? to which he would anfwer, that almoft any thing elfe was better than this. Had we taken any meafure to improve our marine force? Had we afked Sweden or Denmark to affift us with fhips? one million of the very money, propofed to be given away, for fo it would be by this loan, would have given us the fovereignty of the North Seas, and protect our Baltic trade; but, no, all thofe advantages were to be neglected, for the purpofe of adhering to the deftructive fyftem of German policy. We fhould have applied the fum to the aid of our own navy; if we had as many fhips, and as many men as we could well employ, we fhould inftitute a fund for the relief and encouragement of failors—one half of the money now propofed would raife a fund fufficient to make thoufands of our failors happy: but we neglected the only men on whom the whole of our fafety depended, and gave our wealth away to thofe who could be of no fervice. Had the wages of the failors been raifed, or had any extraordinary encouragement been held out to them? No: but the military had. This was the moft deftructive policy that this country could adopt; but Minifters, it feemed, were determined to try the patience of the people. He did not like to dwell on points that muft pierce the heart; but he could not help adverting to the fituation of the poor of this country. One-fourth of the money now to be facrificed to German policy would raife a fund for the poor, which would enable them all to purchafe bread at fix pence, for which they are now giving nine pence, and in confequence of which they are almoft ftarving. Having faid this, he declared before God he forefaw, that if this policy was followed, the country muft be ruined. What he faid, he intended for the public good, and were he Minifter to-morrow, the only advice he could give for the profecution of this war, if profecuted it muft be, was to narrow it, and to bring it more within our own grafp, and the only way to do fo was to cut off the German excrefcence of it. He therefore moved, that after the part which thanked His Majefty for his gracious communication, the reft of the Addrefs be left out, for the purpofe of inferting a fentence to inform His Majefty that this Houfe would confider what meafure would be adivifeable in the prefent crifis, &c.

Earl of MANSFIELD made an apology for rifing, particularly as he laboured under fo fevere a cold that he could hardly utter his fentiments, and affured the Houfe he would detain them but a very fhort time. He expreffed great difficulty in fpeaking upon the queftion; becaufe he was obliged to differ in almoft every point from the noble Marquis. One queftion, he was glad to think, was completely decided; he meant the carrying on a vigorous war, as the

only possible means of saving the country. Indeed, if it was possible that any other opinion could be held in that House, or in the country, he would point to those who thought so, the awful example of the Dutch, who, by trusting to a fallacious negociation, had involved their country in ruin. He complimented the noble Secretary who had opened the debate, for the manner in which he had treated the subject; but there were several new points brought forward by the noble Marquis, that no person could have expected, foreseen, or anticipated, and which he would shortly notice. When he had heard it so strongly put, that in the opinions of the wisest men and best Statesmen, continental alliances were injurious to this country, and ought to be avoided in all wars, he completely disagreed from the Marquis. Was such the opinion of John Duke of Marlborough? Or to come to our own times, was it the opinion of the wisest and best Statesmen that we remembered? In all former wars our continental alliances were of much service to us; they certainly were not merely naval wars, though our naval force was much increased by the diversion which those treaties put it in our power to make against our enemies on the continent. It was in the recollection of some of their Lordships, as well as himself, that in the American war, it was so common a sentiment, that continental alliances were of the greatest service, that every school-boy had learned the singular and quaint mode of expressing it. America must be conquered in Germany. In every instance with which he was acquainted in our history, the advantage of those alliances appeared to him evident, and he had never known a single Statesman of eminence in this country or abroad who was not sensible of that advantage. The noble Marquis, speaking of continental connections, stated any alliance with the House of Austria as a dangerous one, a doctrine that he never could allow to be well grounded, so much otherwise, that he had always disapproved very much of the conduct of this country in 1756, when we separated the interests of Austria from England, and allowed her to unite with France. The circumstances which had since happened, had, however, dissolved that union, and it certainly was, as he hoped it would continue to be, the interest and the study of this country to enter into and preserve the strongest and most steady alliance with the House of Austria. He contended, that one of the greatest securities we had for Austria fulfilling her engagements, was her own immediate interest; and he deprecated the argument, that because some contracting parties had failed at times to fulfil their engagements with us, we were not to treat at all with continental powers. The Bank of Vienna he considered as very good security, at least it was looked

upon in that light when he was in that country. As to the reduction of the intereſt of that Bank, this was a meaſure, he had always underſtood was conſidered in every country as an advantage; nor was it ever held to be a breach of integrity to offer to pay the capital if the lender refuſed to take leſs intereſt. It had alſo conſtantly hitherto been underſtood, that the reduction of the public legal intereſt was a national advantage, and it had been praiſed as ſuch by one of our great writers on the ſubject, Sir Joſiah Child. He thought it conſiſtent with ſound policy to endeavour to oblige France to make thoſe extenſive exertions on the continent, which they themſelves declared would not be long in their power. He contended, that whatever might be thought of the importance of Brabant to the Emperor, yet it was neceſſary to us that it ſhould be in any hands but thoſe of the French. It had been the ancient policy of France to attempt to gain poſſeſſion of that country, and Cardinal Richelieu had made it a great object, and had ſaid he wiſhed to gain poſſeſſion of it—

"Pour veiller de pres Meſſieurs les Anglois."

He wiſhed to know whether their Lordſhips had any deſire to have ſuch an enemy on the continual watch againſt them. He concluded by ſtating, that the terms of the loan not being then before the Houſe, they could only argue the principle; and contended, that noble Lords could not vote againſt the Addreſs, unleſs they conſidered it as prepoſterous to carry on the war at all, or have recourſe to the only means by which it could be carried on with effect or ſucceſs.

The Earl of GUILFORD wiſhed their Lordſhips to conſider whether this dilapidation of the finances of the country, after the immenſe waſte of blood and treaſure which we had ſuffered during this diſaſtrous and ruinous war, would be likely to produce the effects propoſed: he feared the object was unattainable; becauſe he ſaw no proſpect of any exertion adequate to the attainment of it. He had three objections to the meaſure now offered to the conſideration of their Lordſhips. The firſt thing he wiſhed them to examine was, whether this was a ſubſidy or a loan? He was apprehenſive that ultimately the burden of the whole would fall on this country, as he could not ſee that ſuch a reliance could be placed on the ſecurity of the Emperor as to render us perfectly certain that he would ever be able to diſcharge the obligation. He did not, as his noble friend the Marquis ſeemed to do, doubt of the good faith of the Emperor, but he confeſſed he doubted much of his ability. The pecuniary reſources of his dominions had already been confeſſed to be ſmall,

and the hiſtory of that country would ſhow that nothing great could ever be expected in pecuniary exertions from that quarter. The next objection was, that taking for granted the Emperor was able and willing to make good his pecuniary engagements, he did not think he was able to raiſe the number of men he was about to engage himſelf to raiſe. The third objection was, that he perceived no ſtipulation made with reſpect to the direction of the force; he did not ſee that the Cabinet of Great Britain was to have the application of the force to that purpoſe which ſhould ſeem to them beſt calculated for the general advantage. With reſpect to the ſecurity, he remembered that the monied men of Europe could not be induced, the laſt year, to ſubſcribe to a loan which the Emperor then wiſhed to negociate: he paid great deference to their opinion on ſuch a ſubject. The ſecurity did not appear to be good till His Majeſty's Miniſters had taken on themſelves to make this country a collateral ſecurity and guarantee. He wiſhed their Lordſhips to examine whether it was probable that after three diſaſtrous campaigns, the Emperor could be able to raiſe the number he had promiſed. He was of opinion, that after we had been duped of 1,200,000, we had ſome reaſon to be diſtruſtful of entering into farther Continental connections. His Lordſhip ſaid, to exhauſt the blood and treaſure of the country, merely for the ſake of foreign alliance by a continuance of Continental wars, however much it might be a favourite meaſure with the preſent Miniſters, by no means met the ſentiment of the country, which was decidedly in all quarters againſt a continuance of the war on the Continent, or a continuance of that method of conducting it hitherto, which had placed us in ſo depreſſed and deplorable a ſituation. He perfectly coincided with the noble Marquis, that the ſix millions to be raiſed from the ſubjects of this country, for the uſe of the Emperor, might be much better employed at home in either of the ways he had ſo ably pointed out. Thinking, as he did, on the ſubject of the war, he could not but wiſh that our navy was more attended to than at preſent it was: Notwithſtanding his opinion, that we ought not to proceed in the conteſt, yet as it had been determined to go on, he ſhould certainly not attempt to reſtrain the vigour of the country; but he did not believe the preſent meaſure calculated to add nerve to the arm of Government, nor likely to produce any good conſequences, and therefore he ſhould vote for the amendment of his noble friend.

Lord HAWKESBURY ſupported the Addreſs, and could not help remarking that the debate had taken a very unexpected, and, in his opinion, a very improper turn. It did not pledge the Houſe to any terms for the loan, neither were any of the conditions even

stated in it. The noble Secretary of State had, with great propriety, intimated the general plan of those conditions; and he certainly thought they were very secure terms for this country, and more favourable than had appeared in any former treaty. The Court of Vienna was to place in the Bank of England 400l. for every 300l. lent; and depositing actions of the Bank of Vienna to that amount, was a security that he thought no man could call exceptionable. The treaty not being completed, did not come before them to be discussed now. With regard to different opinions respecting Continental alliances, he would only refer to those who recollected the effect of our Continental alliances in the seven-years war, to determine whether they were useless to this country in time of war or otherwise. He said it had been improperly argued that this loan was raising six millions upon the subjects of this country, which was not the case. He could not sit down without expressing his sorrow and astonishment to hear some allusions made by the noble Marquis, which he considered to have a very dangerous tendency; he meant what had been said about the navy, and another class of people in this country, the poor, whose protection was the immediate care of the Executive Government, and for whose relief a bill was now going through that House. He considered all such allusions as tending to make men discontented with their situations, who themselves did not feel any cause to be so.

The Earl of LAUDERDALE said, the late resolution voted by their Lordships, had this advantage from its ambiguity, that it would admit any interpretation, and there was no declaration that pledged either House of Parliament to continue the war without first removing the obstacles to negociation. Assertions of a contrary nature he thought it necessary to repel, because they were made, as it were, incidentally, so as, if not contradicted, to steal upon their Lordships, and be referred to in argument at some future period. If the terms of the loan could not now be laid before the House, nothing could be more improper than to involve their Lordships in a discussion, for which it was admitted they had not the requisite information; and in this point of view the amendment moved by his noble friend ought to be adopted; because it would leave the question entirely open till the necessary information could be obtained. Ministers, however, argued on the terms as if they were already before the House, and insisted that there was good security for the re-payment of the proposed loan. That part of the security which consisted in suing the Emperor in his own Courts of Law, was calculated rather to excite laughter than obtain confidence. It was not in Courts of Law that suits between great nations were conducted;

and he believed the subscribers to the loan would not be very forward if they were told they must prosecute their claims through all the Austrian Courts of Law before they could have recourse to the security pledged by Parliament. The Bank of Vienna was so connected with the Government that it could not be considered even as a collateral security; and to lay any stress on the actions of that Bank was much the same as if we, negociating a loan in a foreign country, should offer Exchequer bills, by way of guarantee, to the security of Government. A noble Marquis had said, the money would be much better applied in additional bounties and wages to our seamen, and alleviating the distresses of our poor; and this a noble Lord endeavoured to colour as if meant to excite discontent, a colour which the words would not bear. The wisest legislators had said that increasing the wages of our seamen was the best mode of manning the navy—certainly, a much better, and, he believed, a cheaper, than the plan now under the consideration of Parliament. When the load upon the several parishes was considered, with the addition now to be made to it, no man would say that the situation of the poor did not call for attention; but it was the practice of Ministers to convert fair and honourable advice, which they did not like, into an intention to inflame. Next it was said, that the measure was by no means in the nature of a subsidy, but a secure loan. How was it secure? On the Emperor's hereditary revenues? When those revenues were entire, before the Netherlands were lost, the monied men did not think them good security. What were those hereditary revenues? Could the Emperor add to them in any of his States without the consent of his subjects?—In former times of distress—although never was the House of Austria in such distress with respect to finance as at present—when the Prince of Saxe Cobourg had begged money, bullion, plate, any thing, on the security of the Emperor's notes, which few would accept—In 1751, when an extraordinary contribution was required in the Hereditary States, two districts only would pay their share. The very message which held out the affluence of the imperial finances in point of security, stated the actual poverty to be so great, that His Majesty had been obliged to advance sums of fifty and sixty thousand pounds for temporary aid, without the authority of Parliament, and contrary to the practice and the spirit of the Constitution. Four millions we were to advance for the Emperor's greatest exertions, and then we were to offer two millions more for exertions greater than his greatest! But could men be raised as easily as money? Supposing the Emperor able to raise more than 200,000 men, in consideration of the two additional millions, must not these men come into the field raw

and undisciplined. Had our experience that the French were not to be conquered by disciplined armies, taught Ministers to reverse their plan, and attack them with undisciplined recruits? As a subsidy, he should like it better than as a loan; for in the former case we could stop the payments when we found that the services were not performed, as we did with the King of Prussia; but a loan once agreed upon, the money must be paid at all events, and the Councils of Vienna had borne too much resemblance to the Councils of Berlin, not to give reason to fear that the conduct would be similar. What were the exertions of Austria last campaign? He should like to hear the opinion of experienced officers, he should like to hear the illustrious Prince who commanded the British army on the Continent, inform their Lordships in any way befitting his high rank, whether the exertions of the Austrians to defend the Netherlands had been such as to give us reasonable hopes that they would be adequate to regaining them. So disgusted, as he had heard from information he could not distrust, were Austrian Generals, officers and men, with the service, that many officers remained at sick quarters till they were threatened with being sent to their posts under the escort of a regiment of Hussars. The extreme eagerness to get the money afforded ground for apprehending that it might be applied as the Prussian subsidy had been, to the dismemberment of Poland. It was said, it would make a diversion in favour of our naval exertions. Was this a new invention? Had we not been purchasing such a diversion with the blood and treasure of the country for two years; and with success that had been as calamitous to the country as disgraceful to its Ministers? Misfortune, he thought, would have taught them the modesty not to boast of measures, the ruinous tendency of which all the zeal, ability and valour of our army and navy, even the most brilliant victories, could not counteract. If they chose to call this a loan, and not a subsidy, he believed they were the only persons who thought it so; and one of its worst consequences would be that the people would not be taxed for it at the proper time, but find it come upon them by surprise, when they thought they had no such money to provide for. Ministers, to conceal from the people how much the war must cost them, began with making permanent certain temporary taxes; and this appeared to be a device of the same nature. Yet the people did feel the burdens of the war, and were anxious to get out of a contest from which, while conducted by those who involved them in it, nothing could be reaped but calamity and disgrace.

Lord AUCKLAND said, that after the resolutions the House had already come to, it was impossible to doubt of the propriety of

getting all assistance we could, for continuing the war with vigour. There was no room for the insinuation that the Emperor would not repay the money. Were it necessary, he could prove, that even supposing we had no interest in the use to be made of the loan, it would be wise to lend on such security. Many States had derived great part of their revenue from loans to other States. When he was at Paris, the Swiss Republic received near a million sterling a year, as the interest of money lent to France. The most distant chance of the Emperor's co-operation was worth any money. The loan was not to impede the service of the navy, which he was for promoting as much as any man; and he hoped there would be no cavils on the measures that would soon be before the House for that purpose. He saw the danger of this country in the strongest point of view, and thought no exertion too great to avert that danger. He denied that the campaign had been disgraceful: on the contrary, no campaign had ever been more honourable to the British arms wherever they had been employed.

The Earl of LAUDERDALE said his assertion was that the campaign had been highly honourable to our fleets and armies, but highly disgraceful to Ministers.

Lord GRENVILLE said, he did not think it necessary to detain their Lordships with a long reply. Of all that had been said, what he felt the least was, the imputed disgrace of the campaign. His Lordship then went into a panegyric on the victory of the 1st of June, our successes in the West Indies, and the bravery of the British army on the Continent, and asked, if any man would say, that the campaign, although calamitous to the country, had been disgraceful? The loan was not money we were to advance, but money which the Emperor was to borrow on his own security. The exertions of the Emperor, it was said, had availed us nothing. Was it nothing, that the loss of Holland had been postponed from the year 1793 to the year 1795? Was it nothing to have prevented that calamity till our force was called forth, and the finances of France exhausted? He reasoned at some length on the confidence to be reposed in the Bank of Vienna, and complained of the Marquis of Lansdowne's allusion to the navy and the poor.

The Earl of DARNLEY said, the Address did not implicate the whole business of the loan. The terms, as far as he had heard of them, he did not think bad as a money transaction; but our experience of the Prussian subsidy, he hoped, would make Ministers doubly cautious in binding the Emperor to the performance of his engagements.

The Marquis of LANSDOWNE appealed to the whole tenour

of his life against the insinuation that he was capable of throwing out hints to catch at popularity, by exciting discontent. Ministers themselves, early in the session, had declared that the situation of the poor demanded particular attention. What he had said of the navy was no new thought. Many officers with whom he had conversed for years, gave it as their opinion, that the principal cause of the difficulty in manning the navy, was the wages having been continued so long at an inadequate rate. If then, money was so plenty, why not apply some of it to remove a difficulty of such consequence? More especially as we know that the French had introduced an entire new system in the distribution of prize-money. Our seamen, were not, he hoped, likely to know of this; but he had heard of matter so important upon that subject, that he thought it fit to hint at, merely that Ministers might inquire into it. Was any thing he had said calculated to infuse discontent into the heads of the poor? They wanted not his information to remind them of their sufferings. They felt them in their heads, their bodies, and their hearts.—He had information from various parts that the accumulating burden of poor-rates from the families of manufacturers who could not get employment, the families of militia-men, and of men who enlisted for soldiers, was such as to call loudly for relief. Add to this the burden of other taxes, which, although often said to be paid by the rich, made the rich man richer and the poor man poorer. Was he then, who warned Ministers of this information with a view of preventing evil, to be charged with fomenting disaffection? He paid a high compliment to the establishment of the Board of Agriculture; but the best establishments could do little good if our capital were diverted in other channels. Much capital had been brought into this country as the safest depot during the war, the greater part of which must be drawn back soon after peace. Would any Minister say that the Governor and Deputy Governor of the Bank of England were of opinion, that there was no danger from such a drain of specie as the loan to the Emperor must occasion? He recommended particular attention to our navy, and to alleviating the wants of the poor, who if they found that there was an intention of improving their condition, would wait with patience and with thankfulness for its being gradually carried into effect.

The Marquis of ABERCORN said, he should have preferred the Address as it would stand with the amendment, if it had been originally so moved; but he disliked opposing Ministers, in the conduct of the war, so much that he would never do it when he could possibly avoid it. The Address, he hoped pledged the House to nothing that would tie them up from discussion, when the whole of

the measure came before them in detail: A conversation on this subject ensued, between the Marquis of Abercorn and Lord Grenville, the result of which was, that the House, by voting the Address, would not be pledged to approve of the loan, unless they approved of the terms and conditions of the whole treaty taken together.

The Amendment was negatived, and the Address, as moved by Lord Grenville, carried without a division.

Tuesday, 10th, and Wednesday, 11th February,

No debate.

Thursday, 12th February.

The order of the day for summoning their Lordships being read,

The Duke of BEDFORD said, that when he formerly moved to summon their Lordships, he hoped that the motion which he then wished should be brought forward, would have been taken up by some noble Lord more able than himself, and better qualified to do it justice. In that hope he had been disappointed, and the task now devolved upon him of stating to their Lordships the grounds why he again obtruded himself upon their notice. He must own, however, that after the treatment which his former motion had experienced, he had no very sanguine hopes of success upon the present occasion. He still conceived some declaration to be necessary on the part of the House, with respect to the precise situation in which this country stood towards France. He disapproved of the Address which had been brought forward to supersede his former motion, as inadequate to the purpose which he had in view, as tending to discourage the people of England, and holding out to the enemy, that no peace could be made with any republican Government in France; such was, in his mind, the effect of that Address. If Ministers contended that he had misrepresented its tendency, another declaration ought to be adopted to remove that misrepresentation. Such a declaration ought particularly to be adopted in the present crisis, when the country was about to be forced into another campaign, rather than Ministers would consent to recant their error; for such was the term which he would apply to the conduct of Ministers in the present contest, a term which the majority of that House, as well as of the country, knew to have been well merited, however reluctant some might be to make the confession. He objected to the expression in the former Address, of the uniform desire that had been manifested by His Majesty to conclude a peace with any Government in France, that appeared capable of maintaining the accustomed relations of peace and amity with other countries. He

said, that he, for one, was ignorant of any such desire that had been expressed by His Majesty; many in this country were also ignorant of the circumstance, and all the people of France, he might say, were convinced to the contrary. He did not wish to propose to their Lordships to come to any declaration, as had been ascribed to him on a former evening, merely to please the people of France. But he conceived, that when we were at war with a country, that country ought to know for what purpose the war was carried on, and what was the object we had in view. He then took a view of all the different declarations which had been published by the British Commanders, or under the sanction of His Majesty, and contended, that from the plain language of them all, it appeared that the war, on our part, was carried on for the re-establishment of Monarchy in France. What were the French to infer from the strong expressions of a desire to restore Monarchy, that run through all these declarations, when they saw that desire backed by powerful armies and fleets? The declarations to which he referred, those of Lord Hood and General O'Hara, were, in point of good faith, to be considered as sanctioned by His Majesty, though not accompanied with his name, as they had not been contradicted by any subsequent declaration. But there were others proceeding directly from His Majesty, and in these attempts had been made to point out some ambiguous expressions, implying that we might be induced to treat with some other Government, besides a Monarchy, expressions, which, if they admitted of the interpretation thus attempted to be given them, made His Majesty contradict himself in these other passages where the reverse was asserted. The expressions in one of the declarations went so far as to affirm, that there was no intermediate step between anarchy and monarchy. In another, the French were called upon to restore the empire of law, religion, and morality, not by adopting any just and equitable form of government, but by joining the standard of Monarchy. They were not left to suppose that the restoration of law, religion, and morality might depend upon themselves; the precise step which they were to take was pointed out to them. He was not versed in the subtleties of language; he was a plain, simple man, and there was no other meaning which he could annex to these declarations than that which he had already mentioned. He appealed to the plain sense of their Lordships, whether such was not the only obvious meaning that could be deduced from the nature of the expressions employed; nay, Government did not even give to the French the power of creating a Monarchy for themselves, or consulting their own judgement with respect to the limitations to be fixed to the regal power. They re-

quired them, in the first instance, to adopt the old despotic Government, [illegible] pledge of the sincerity of their intentions to restore the [illegible] religion, and morality; afterwards, indeed, to be mod[illegible] circumstances might admit. He concluded, that from all that the French had seen, either of us or of our allies, (for the conduct of our allies we must also consider ourselves responsible, as by our means alone they had been enabled to carry on the war, which they must otherwise have been compelled to relinquish), they had no reason to suppose that we would treat with any other Government in France, except a Monarchy. What reliance could they have on our amicable dispositions! Had we, when victorious at the commencement of the war, made the slightest advances, or even testified the most remote inclination to offer them peace? As to the argument, that France was at present incapable of maintaining the accustomed relations of peace and amity, he desired their Lordships to look to those nations who had remained neutral in the contest.—With respect to America, Sweden, and Denmark, did not France shew herself to be fully calpable of maintaining all the accustomed relations of peace and amity? Of this, the French must themselves be aware; they must also be sensible that it could not but be perceived in this country, and therefore, from our conduct, more particularly from this pretext why we ought not to treat, they could only conclude that the war in which we were now engaged, was a war carried on against their Government. The motion which he meant to conclude with proposing, was one that would clear all doubts, and, if adopted, certainly tend much to procure peace; at the same time, he had been extremely cautious to express his motion in such terms as not to interfere with the operations of the Executive Government, or have any effect to cripple their exertions. He never would interfere with the Executive Government, till every possible attempt to induce them to perform what he considered to be their duty to their country in the present instance had been rendered fruitless. The subject to which his motion referred had been so hackneyed, that it scarcely admitted of any thing new. He would not now enter into the origin of the war; he would even grant to the other side, for the sake of argument, that it had been rendered necessary from the aggression. There were only one or two points which had formerly been insisted on, to which he should now call their attention: first, it had been contended that the effect of any declaration expressive of a desire for peace, would be to raise the spirit of the French, and to depress the people of this country. For his own part, he did not consider that it was possible to elevate to a higher pitch the spirit of the French, or communi-

cate to them a greater degree of energy than they at present possessed. They now conceived themselves to be fighting in a cause the most of all others calculated to inspire animation—the defence of their liberty. They were fighting for freedom, not indeed to promote of freedom which he was either prepared to applaud, or anxious to enjoy, but what they conceived to be so. Such was the war on their part, on the part of this country it was a war of oppression— A war in order to impose upon them a Government contrary to the wishes of the people. As to the other argument urged against a declaration, that it would tend to depress the people of this country, he believed that it would have a quite different effect. He, for one, had declared, and he was assured that there were many others actuated by the same sentiment, that, if such a declaration was adopted, he would come forward, and give his support to the measures of Government. There was, indeed, one class of men in the country who might be depressed by such a declaration; they were those who were so greatly shocked with the enormities that had been committed in France, as to approve of the idea of a war of retaliation and revenge; the spirits of such men, he confessed, he wished to be damped, and their purpose to be defeated. He quoted the sentiment of a person, whose authority he considered as entitled to great weight. "That the people of France would quickly become tired of the war, if they perceived that it was only carried on by the obstinacy of their rulers." He was the more inclined to give confidence to this remark, applied to the people of France, as he saw it verified with respect to the people of England, who had lately become tired of the war, because they perceived that it was only carried on by the obstinacy of Ministers. What but obstinacy could induce them to persist in the war under the present circumstances? What rational prospects could they hold out of its successful termination? It was evident that they themselves had no such prospects. The only grounds of hope to which they were able to resort, were those which had been so often hackneyed, and which afforded so slender a consolation, namely, the ruined state of the French finances, and the spirit of Royalism still existing in France. He would not now enter into the question of finance; he would allow to Ministers all the advantage of their statements, only remarking that their prediction of the total ruin of the French finances had been repeated from day to day, and had in every instance proved fallacious.— France would continue to resist while her soil remained productive, and would apply the last piece of her coin to the exigencies of the public service. As to the spirit of Royalism, where did its symptoms appear, or how were its effects displayed? His Grace referred

to what he had stated in his former speech of the transactions at Toulon, la Vendee, and Alsace, &c. But as a proof of the existence of a spirit of Royalty, a triumphant instance had been produced of a man, who, having written a pamphlet in its favour, was immediately consigned to the guillotine. That man had not yet been sent to the guillotine; he was still in the situation of a person amenable to the laws which he had violated. But if any inference was to be drawn from this pamphlet of the prevalence of a spirit of Royalty, was not he, from the circumstance of several pamphlets, having been published at Paris in favour of peace, entitled to state the existence of a pacific disposition in France? If there still remained a tendency to Royalism, it must chiefly be centered in the French army, and would be most effectually drawn forth by the establishment of peace. There was one other argument to which he would advert, namely, that it would be disgraceful and humiliating to England to offer peace. The honour of the country, it was urged, called upon us to prosecute the war. Such was his regard for the honour of the country, that he would sooner shed his blood than consent to violate it. But the more fascinating any argument appeared, which was drawn from the honour of the country, the greater deliberation was necessary in order to estimate the degree of weight which was due to it. It was proper carefully to discriminate between what in the present instance Ministers might be disposed to confound, their own honour, and the honour of England. Had the fleets or armies of England been disgraced in the present contest?—No; the gallant men employed in the different services had done their duty. If disgrace any where existed, it was only in her counsels. He contended that it never could be disgraceful to adopt that line of conduct which was dictated by prudence, and sanctioned by the most approved maxims of the policy of enlightened nations. "Let me intreat you," said his Grace, "to consider the number of your brave countrymen who have already fallen in this unhappy contest, and that the Continent, which has been, I may say, drenched with blood, is again about to become the scene of fresh slaughter, without one effort having been made on your part to prevent it. Are you deaf to the cries of the orphan? Are your hearts steeled against the tears of the widow? Have you no feeling of the wide-spreading circle of calamity which war occasions? Have you failed to reflect, that of the many thousands who fall in battle, there is not one whose loss does not furnish a source of irreparable regret to a train of survivors? And, with such a picture of the miseries of war presented to your minds, can you for a moment hesitate to exert your endeavours to restore the blessings of peace,

and diminish the sum of such complicated wretchedness? Will you not at least be induced to make the attempt? If you do not, the cries of the unhappy victims of war will again be uttered; they will penetrate these walls, and you will not be able to lay your hands upon your hearts, and say, that they do not sound to you as cries of reproach. I then will be able to say, that at least I have not contributed to make the wife a disconsolate widow, and the orphan a helpless outcast. In that moment I will feel the consolation of having attempted to do my duty upon the present occasion." His Grace concluded with moving the following resolution:

"Resolved, That it is the opinion of this House, that the actual situation of the governing Powers in France ought not to preclude the conclusion of a speedy peace, if peace can be had upon such terms as are in themselves just and reasonable; but if the ambition of France should lead her to persevere in hostilities, either for the purpose of her own aggrandisement, or to carry into effect the principles of her own government in other countries, this House feels itself called upon firmly and steadily to support His Majesty in the vigorous prosecution of the present war."

Lord HAWKESBURY called their Lordships' attention to what had passed in that House in the present session, upon the discussion of an Address to the Throne, in answer to His Majesty's speech. Their Lordships had upon that occasion declared their conviction of the justice and the necessity of the present war; this was agreed on by a large majority of that House, and the noble Duke now came forward with a motion contradictory of the opinion of that large majority. Upon a former occasion, the noble Duke had made a motion of a nature similar to this, to which a noble friend of his (Lord Grenville) proposed an amendment, the substance of which was, as their Lordships knew, that on our part there was no objection to any form of Government in France, provided that form was capable of affording to us a security for the accustomed relations of amity and peace. To this amendment a large majority agreed, and indeed he thought that some such declaration was necessary, in order to obviate false impressions, which he feared some speeches in that House would otherwise have made; and reflecting upon that subject, he could not help saying he was a little surprised at the motion of the noble Duke to-day, for he thought after the sense of the House had been so clearly expressed upon the matter, that Ministers ought to be left to carrry on the war upon the principle which the House had declared, if their Lordships did not disapprove of their conduct. With regard to the papers, to which the noble Duke had alluded; he must observe that they were particular

papers publiſhed under ſpecial circumſtances, and were penned under the preſſure of the moment; but there was no one act of Government, as a Government, in which it was ever held out that we ſhould not make peace with France until it adopted a particular form of Government. The properly authentic document upon this ſubject was, His Majeſty's declaration to the people of France, extracts of which his Lordſhip read, and maintained, that there was no particular form of Government inſiſted upon in that declaration, it only declared it to be His Majeſty's opinion, that a monarchy was the form of Government moſt likely to reſtore order, but the choice was left to themſelves. With regard to the right which one Government had to interfere with the Government of another country, he thought that right did not exiſt until the Government of another country affected our own, and then he thought we had a right to interfere, this was a right which aroſe out of the principle of ſelf-preſervation, which was as applicable to nations as it was to individuals. But whenever we ourſelves were ſecure, then the form of Government in another was entirely out of the queſtion. But when we were in danger, he thought that no point could be clearer than that we had a right to interfere, and in ſupport of this opinion there were the authorities of the beſt politicians which this or any country ever had to boaſt of. This was well underſtood in the reign of Queen Elizabeth. With regard to what the noble Duke had ſaid of the declaration of Lord Hood at Toulon, he muſt firſt obſerve, that this was a declaration made under very particular circumſtances, when it was underſtood that the diſpoſitions of the people there, and in many other parts of France, were in favour of an hereditary monarchy; but whether the French had a monarchy or a republic, our main object was then, and was ſtill, to obtain a ſafe and an honourable peace. After all that had been ſaid of the Government of France, he was ready to declare it was his opinion, that it was not to the form of Government of France that we ought to look, it was to the character of her Government, whether it be monarchical, democratical, or ariſtocratical; be the form what it might, it muſt have a character to be depended upon, before it would be ſafe to negociate with or acknowledge it, and until that was the caſe we had a right to interfere for our own ſafety. This was the opinion of the moſt able writers upon the law of nations, from the firſt down to the laſt, who had written on the ſubject, and who was, perhaps, the beſt of them all: he alluded to Vatel, who ſaid, that where a nation was reſtleſs and ambitious, always intent upon diſturbing the peace of other nations, it was the duty of theſe nations to aſſociate for the purpoſe of putting it in ſuch a ſtate as not

to be able to disturb them again. As to the observation of the noble Duke, that the war might be supposed to be carried on for revenge, that he must deny; it was not for revenge, it was for security; and he must add, that if the noble Duke really thought that Ministers were carrying on the war to save their own honour, instead of saving the honour of the nation, the best motion he could make, would be, for an Address to His Majesty to dismiss them from his service. He really thought that the amendment moved by his noble friend the other day, to the motion of the noble Duke upon the subject now before the House, was quite as explicit as Ministers ought to be upon the point of the form of Government of France; it stated, that we should be ready to treat for peace whenever there should be a Government that could give us any security. The present motion went to say, that the present was that form of Government in France; now he thought entirely otherwise, and therefore he was bound to oppose this motion. He thought that by attempting to treat with the French, we should put ourselves in a worse situation than we are in at present, there was nothing to convince him that their present Government was so altered from the Government of Roberspierre, as to make it safer now than it would have been then; for although there was a little outward alteration, their principles were the same; he had said long ago, that there was no stability in the Government under that tyrant, and the event had proved it. If we wished to know what would probably be the result of attempting to negociate solely on the good faith of the French Government, we should look at the fate of Holland, which had been indiscreet enough to try the effect of negociation; and what had been the consequence of this new friendship of the French to the Dutch? Already they treated them like a conquered nation—they had put almost every thing in requisition; he held in his hand a document which would prove this to be the case. Here his Lordship read the proclamation of the States General to the people of Holland, dictated, he said, by the French, and drawn in a manner to render as palatable as possible a proceeding of that offensive nature, by which the property already put in requisition by the French in Holland, amounted to about a million sterling. But it had been said, that the French Government had already been acknowledged by other powers, and that no evils had resulted from that acknowledgement. It was difficult, perhaps, to calculate what the evils might be that would result from it. As far as we had any opportunity of judging, we saw nothing to envy in the condition of those who had acknowledged them; they were equally enemies to republics as to monarchies; we all knew how they had treated the republic of

Geneva. It was said also that they had been acknowledged by the American republic; it must be obvious that the Americans were at too great a distance to be much affected by them, at least for a long time, for they must conquer many countries, and have the entire dominion of the seas, before they could materially affect America; and yet they had tried, as their Lordships knew, through the medium of Monf. Genet, to throw them into confusion; nor would he be responsible for the part they might take with regard to Sweden or Denmark, if they could advance far enough. In short, he had no doubt of the part they would take wherever they might happen to have any power. From all these considerations, he must say, that the character of the present Government was such as we could not safely treat with. When the Government would be such as to make it safe for us to treat, he would then say, the sooner the better; but he believed he spoke the language of a majority of their Lordships, when he said, that negociation for peace, without confidence in its success, was worse than war; and therefore there would be no good in attempting to negociate now. He was ready to delare it to be his opinion that those motions tended to protract instead of accelerating the very object which we all had in view, namely, a safe and an honourable peace; let their Lordships but reflect on the idea going forth in France, that the Houses of Parliament of this country interfered with Government in order to put an end to the war, the consequence must be that of making the enemy the more firm and resolute, which must of course protract the period of hostilities. At present, however, a great majority of both Houses declined that interference, and he would appeal to what had passed on that subject in this great city, and in other great towns, and ask their Lordships—Whether from the result they were not satisfied that a large majority of all the respectable and wealthy people in the kingdom concurred entirely with His Majesty's Government with respect to the prosecution of the war? his opinion was, therefore, that all motions of this kind were improper. The sense of that House had been taken already upon the subject, and he hoped that nothing had happened since to change the opinion of their Lordships; he should therefore take the liberty of moving the previous question upon the resolution proposed by the noble Duke.

The Duke of GRAFTON said, he had great doubts whether he should be able to deliver his sentiments to-night with sufficient strength to be heard, and nothing but the importance of the subject should have induced him to attempt it. The motion of the noble Duke had his entire concurrence. In proportion as any man was

attached to the Conſtitution of this country (by the word Conſtitution, he did not mean the empty ſound, which ſome perſons had of late appeared to be fond of repeating, but of the real eſſence of our Conſtitution, to which he hoped many of their Lordſhips were ſtill firmly attached,) the more a man thought of the commerce and proſperity of the country, the more he thought of the wounds that had been given to that Conſtitution; and the more he thought of the diſaſters that had befallen that commerce, the more his indignation muſt be excited againſt thoſe who had been the authors of all thoſe calamities. Let their Lordſhips but compare all the diſaſters that at any former time had happened to this country with thoſe which overwhelmed it now, and they would all vaniſh; there was nothing in the hiſtory of this world, that was equal to what was now paſſing in Europe. If we looked at the part which Great Britain was acting in the ſcene, we ſhould find that ſhe was riſking her own exiſtence, for an object which reaſon and experience proved to be unattainable. He could not help begging leave to repeat what he had ſaid laſt year upon this ſubject, when he had the mortification to differ from ſome of his beſt friends; on his conſcience he was then, and was ſince ſtill more perſuaded, that by a continuance in this ſyſtem, the Throne itſelf would be in danger, the country might be undone, and were he not to ſay ſo, his own peace of mind would be diſturbed for ever; for he could not expect for a moment to enjoy the ſmalleſt portion of tranquillity, if he did not take all conſtitutional means in his power to awaken his fellow ſubjects to a ſenſe of their danger. The motion of the noble Duke he liked the better, becauſe it mentioned nothing of the juſtice and neceſſity of the war; it left thoſe points entirely alone, and allowed noble Lords to make for themſelves what diſtinctions they pleaſed upon that ſubject, for the real queſtion was not now how we became involved in the war, but what was beſt to be done for the ſalvation of the State; and, taking it in that view, the apparent benefits of the motion were ſo clear to him, that he was aſtoniſhed they did not appear equally evident to every noble Lord in that Houſe as they appeared to himſelf. The leading thing to be conſidered was, that the people of this country ſhould be informed upon what ground they were to bear the burdens which this dreadful war was to create, and what was to be the extent of ſuch burdens, in order that they might know for what they were to prepare themſelves, for the various declarations of Miniſters were ſo contradictory, and what paſſed to-night made them more ſo, that it was impoſſible to underſtand them. It was by no means clear at this moment, whether in the ſyſtem of Miniſters the return of a monarchical form of Govern-

ment in France was not at all events to precede any negociation for peace. He alluded to the opinion of the Earl of Mansfield, as he had ſeen it in a newſpaper, and wiſhed to know whether that noble Earl really thought that we could not treat with any form of Government in France except a monarchy. Now, he wiſhed to know of what this country was compounded; were we or were we not a mixt Government? If we were a mixt Government, then the motion of the noble Duke was perfectly proper, becauſe it operated as an advice to Miniſters, and conveyed proper information to the Public, of the grounds upon which a negociation might commence. If we were merely a Government under an Executive Council, then the motion was improper. If it was clear that there was no objection to the perſons who have the Government of France; there would then be ſomething to reſt upon; but if there was an objection to them, then certain conſiderations would deſerve to be weighed carefully. Firſt, we ſhould conſider what was the degree of probability that they would be ſucceeded by a ſet of men, whoſe character might anſwer our wiſhes. Then, what was the length of time they ſhould remain in adminiſtration before our Miniſters ſhould think their power ſufficiently eſtabliſhed, before they ſhould think them ſtrong enough to be able to adhere to their ſtipulations, ſo that we might negociate with them ſafely. On the firſt point the noble Duke was of opinion that there was no proſpect that the preſent rulers would ſoon be ſucceeded by others, for by their moderate, merciful and wiſe decrees, they exhibited a contraſt to the conduct of their laſt tyrant, and were daily gaining the affection of the people. On the ſecond point, therefore, it was unneceſſary to make any obſervations, becauſe it was not likely to occur while we were able to continue the war. Having made many obſervations on the abſurdity of dreading the effect of French principles, and of endeavouring to ſtir up the embers of the allies into a flame of offenſive and effectual war againſt the French, what form of Government we pleaſed in France, and the ruin that muſt fall upon us if ſomething like the motion now before the Houſe was not carried, he concluded with giving his moſt hearty concurrence to the motion of the noble Duke.

The Earl of MANSFIELD ſaid, that to form opinions of what any noble Lords ſaid in that Houſe from what appeared in the newſpapers was improper, for they were often very erroneous; he uſed the moſt gentle term upon that ſubject. If it had ever appeared in any newſpaper that he ſaid we ſhould never treat with any form of Government but a monarchy, it was an opinion which he never entertained. But if it was ſaid that he gave it as his opi-

tion that a monarchy was the form of Government most likely to heal the wounds of that unhappy country, he was not misrepresented. His Lordship then proceeded to argue on the bad policy of the motion. He thought that in the case of a person who had any idea of a negociation, the first thing he would do, if he was tolerably wise, would be to inquire, whether those with whom he was about to negociate, were sincere in their intentions, and if so, whether they had the power of carrying their intentions into effect; upon both these points his Lordship concluded in the negative, with respect to the present Government of France. He asked their Lordships to reflect on what might have been the situation of this country now, if we had negociated with Roberspierre; did they believe that the present rulers would ratify such a negociation? He observed also, that if peace were restored, there would be an end to the revolutionary power of the present rulers, and although they might be patriotic enough to give up their power for the service of their country, yet it was not an extravagant thing to doubt whether their patriotism would lead them so far as to make such a sacrifice. He wished to be informed if we negociated, whether we were willing to allow the possession of Flanders and Savoy to the republic, one and indivisible? And whether if France should hereafter be divided into several republics, we should stipulate to oppose that division? He said, he was not fond of quoting the authority of newspapers on the speeches of the Members of the Convention, since their Lordships experienced so much misrepresentation of their own; but he formed his opinion of the proceedings of the Convention from the copies of public documents. He saw, some time since, as he came from the House, in the Leyden Gazette, this country described *cette Nation odieuse*. He believed that this nation was more interested, more eager, and more able to oppose the French than any other in this world. His Lordship concluded with giving his most cordial assent to the previous question.

The Marquis of LANSDOWNE said, that after the discussion the subject had already undergone, it was unnecessary to detain their Lordships with much argument upon it. He remarked upon the way in which Ministers were now softening their former expressions; but the situation of the country was such as demanded a categorical declaration. We were spending twenty-six millions merely as demurrage money, in order to see what the Chapter of Accidents would do for us. He had seen a Ministry watching the Chapter of Accidents, but never ought the fate of a nation to be put to such hazard. We were in fact looking for the turn of a tide which was running twenty knots an hour against us. What secu-

rity, it was asked, could we have had for the continuance of peace, if we had negociated with Brissot, or Roberspierre, or any of the leaders of the factions that had succeeded one another so rapidly in France. The leaders of these factions had taken the situation of France, with respect to foreign powers, as they found it; and even Roberspierre had been uniformly adverse to any system of war for the purposes of conquest. He need not remind their Lordships, that, in this country, an Administration had been turned out for concluding preliminary articles of peace, which articles were afterwards ratified by the Administration that succeeded. When it was said that the French had no regular Government, let us look at their military operations, and one should find them planned and executed with a vigour and ability seldom equalled, certainly never surpassed. Every hour's delay would put us into a situation less favourable for negociating, and therefore he should support the motion.

Lord BORINGDON began by apologizing to Lord Mulgrave, (who had risen at the same time) for causing to him any delay in the delivery of his sentiments. He said, that as far as the debate had then proceeded, he had heard, in his opinion, such little real argument against the previous question, which, without considering the truth or falsehood of the proposition of the noble Duke, was the subject immediately before the House; and he said he had heard so much in support of it, that he though it necessary to solicit the pardon of the House for attempting to add any thing to a scale which, in his apprehension, had so great a preponderance. As it was impossible that the speeches of every individual Peer should remain always fresh in their Lordships' memory, he would beg leave to recall to their recollection, that when he last addressed them, he had supported the address to His Majesty, on the ground merely of thinking it preferable to the amendment, and that on that occasion he had been very far from going to any of those lengths to which that Address was by some supposed to extend itself; he said, he had alluded to that debate, for the purpose of saying clearly and distinctly, that if in the course of what he then submitted to the House, he had in any way expressed or insinuated the most distant hope of procuring an honourable peace, by other means than those of a vigorous prosecution of the war, that it was only possible for him to have done so from the fortune of war being then more equally balanced, and from that diffidence of opinion which the circumstances of the present could not. At that time, indeed, he could easily conceive noble Lords coming forward with a proposition similar to that now before the House, but at this exact moment it was with

doubt and hesitation that he could at all account for it. It really struck him, that if the mind of man was called upon to form to itself an abstract idea of a time and situation, in which it would be the most impolitic for a country to attempt negociation, that an abstract idea of such a time, and such a situation, would be formed, as would be found exactly and precisely similar to that time and that situation in which this country stands at present. The end of a second campaign, which has been attended with very great misfortunes and disasters, a period when your armies are almost in the act of flying before those of your enemies; a period not only when those enemies are in possession of extensive territories, conquered by their arms, but the precise moment when they have just become so, and consequently the precise moment when they are most likely to indulge themselves in the most wild and extravagant expectations, all combined to form, in his mind, the idea of a time above all others the most improper for the disclosure of any wish to negociate. Added to these considerations, he would call upon their Lordships to reject every measure tending to humble the nation, (which testifying a desire to negociate at this precise moment unquestionably must) at a time when our armies have been distinguishing themselves by unexampled good conduct and courage, and when they are more numerous and formidable than we have almost ever seen them; and above all, at a time when our naval and natural strength is increased, and increasing, and when, whatever may be our continental disasters, that force will be abundantly capable of guarding our coasts and protecting our trade. He had hitherto abstained from making any allusion to, or grounding any argument upon, the internal Government of France. Of that Government, and of the change of system which seemed fortunately to have taken place there, he assured the House he was inclined to think as favourably as any of their Lordships; he had, however, forborne from resting any argument upon this part of the question; in the first place, because he was not in possession of any private information which could enable him to speak with peculiar accuracy upon it; and secondly, and principally, because as to the question of peace or war at this moment, it appeared to him to be a very inferior consideration indeed. Was Louis the Fourteenth on the throne of France at this instant, he should equally think that a vigorous prosecution of the war was the only probable means of securing an equitable peace.—On the subject of the Government of France, therefore, he would only say, that it could never be considered as a minus quality; he meant, that when other considerations should lead us to a vigorous prosecution of the war, that the internal circumstances of that coun-

try ſhould lead us to make peace. Some perſons may think the preſent Government of France likely to prove durable; others may think the contrary. The probable duration is, in any caſe, a matter of doubt; and he thought few would argue, that you ſhould negociate with a weak and doubtful power, where you would not negociate with one of greater ſtrength, and more acknowledged permanence. He ſaid, unqueſtionably the preſent Government of France may acquire great ſtrength and permanence, and he for one, in common with the Public, rejoiced extremely that the power of negociating with that Government (whenever circumſtances might render negociation expedient) is left completely open to His Majeſty's Miniſters, by the reſolution which has recently been paſſed by Parliament. On the ſubject of that reſolution, the noble Duke who opened the debate had aſſerted, from what he had heard reſpecting it, that he was led to ſuppoſe it had afforded no ſatisfaction to the public mind. He certainly was not inclined to doubt the noble Duke's having received that information; but he would beg leave to ſay, that he himſelf had received information of a direct contrary tendency, and that in his heart he believed that the reſolution in queſtion had afforded very great ſatisfaction to the Public, and that there were very few, indeed, who would have wiſhed it to have gone one ſingle ſtep farther than it did. Although he confeſſed himſelf deſirous that thoſe who are at preſent in power ſhould remain in their high ſituations, yet as a member of the Public, and as an honeſt man, he could not help ſaying, that he ſhould be much better pleaſed at ſeeing thoſe ſituations occupied by other perſons, in caſe the diſcretionary power which ſeemed to him to be conveyed by the late reſolution, was to be diminiſhed in the ſmalleſt degree. He ſaid, that whatever might be the different opinions entertained on the doctrine of confidence, he believed that one and all would agree, that if there was any queſtion on which that doctrine would bear being carried farther than on another, and on which it was the practice of Parliament to interfere leſs than another, and to confide itſelf on the diſcretion of the executive ſervants of the Crown, it was on the queſtion of peace and war. He deprecated the idea of checking the proper interferences of Parliament, but thought, that at this particular period, no wiſe man would be deſirous of fettering or contracting the diſcretion of the King's ſervants. He lamented the noble Duke's having brought forward the ſame queſtion, after ſo ſhort an interval of time, and ſaid, he thought that a different line of conduct would have appeared more reſpectful to the Houſe, leſs irritating for the Public, and better calculated to ſecure the object of their general wiſhes. Whether the reſolution then before the Houſe

went immediately to peace or not, he thought it disclosed an eagerness to negociate, that, under the exact circumstances of the country at present, he thought must appear humiliating; and from the forces and resources of the nation, he thought he might with safety call upon the House to reject every measure which bore with it any appearance of humiliation, and which seemed uncalled for by the circumstances of the country.

Lord MULGRAVE said, he agreed with the Marquis of Lansdowne that very little novelty had been introduced into the present debate; the reason was very obvious; the ingenuity of the noble Lords in opposition could not devise any new arguments, and therefore it was impossible any new answers could be made to their arguments. Something new had, however, been introduced by the noble Marquis; he had talked a great deal about the Chapter of Accidents. It was evident that every nation engaged in hostilities must look to the chances of war. We were in that point of view waiting for the Chapter of Accidents in preference to the certain calamity of peace under the present circumstances. It had been said that we were paying twenty-six millions for demurrage money; this money was well laid out when we considered the evils that had been averted by it. He descanted upon the evils of war as being common to every other war as well as to this; and contrasted the alacrity with which our soldiers went into the field with the reluctant obedience of the French, who were dragged into it by requisition. Peace was desirable, but we were not to put forth into the sea of peace till we saw clear skies and propitious gales.

The Duke of LEEDS said, he thought the last motion which had been made in the House by the noble Duke, who had brought forward the present one, was wise in its principle, and likely to produce the most beneficial consequences to the nation, if it had been adopted; it was a motion which he thought deserved the most serious attention of Ministers, and the most deliberate consideration of their Lordships; for though he admitted it was an abstract proposition, and amounted almost to a truism, yet he must for ever continue to believe it merited the approbation of the House. The present motion was of a different complexion; it was not so abstract in its nature; it went directly and plainly to the point; it immediately applied itself to the existing Government of France, declaring that it ought not to be considered as any obstacle to a negociation; it by no means however implied any direct obligation to negociate, unless on such terms as would be honourable in this country to propose or accept. The difference between the two motions was, that this plainly asserted that the actual situations of the governments of this country

and of France ought not to preclude a negociation for a peace: he perfectly agreed with that proposition, and thought that it well deserved the attention of His Majesty's Ministers. It did not bind them to negociate contrary to the interests of the country, nor by any means took away the advantages they might expect to gain by the most vigorous exertions the country could make at the present juncture. As to the risks which it had been supposed might be run, by an attempt to negociate, he must observe, that an argument of that nature was equally conclusive against negociating at any period, and with any people; for no negociation could exclude the possibility of risk, and no form of government existed in which as much might not be apprehended. It had been asked whether the House would have treated with Louis XIV. if he were in the same circumstances as the French Republic now was? He, for one, had no hesitation in declaring he would not; but he nevertheless considered the Republic in a far different light, and had as little hesitation in declaring he would treat with them. So little was he convinced by what had been said against the prospect of a permanent peace with the Republic, that he even went farther than the noble Duke, and was ready to treat with the French to-morrow. It had been objected, that the present rulers of France were not likely to remain permanently in their situations, and therefore it would be unsafe to treat with them; if, however, the objection went to the description of men, it would exclude all probability of negociation at any period, because at all times objections might be made to the persons who had the sway in any nation whatever. It was a haughty declaration to the French, that we would condescend at some period or other to open a negociation with them; but at present we had too mean an opinion of them to condescend so far. He wished to know, if the Government of France were not permanent, whence proceeded those great and amazing exertions that had been witnessed for so long a time. It might be said, that the people at large submitted; it mattered little to him whence it proceeded; but could any thing more be expected from the best regulated government, than that the people should submit to the hardships necessary to enable the Government to make such astonishing exertions? How long the people would submit to such hardships, he could not tell; but he perfectly agreed with the noble Mover, that even if the overture on our part were declined, it would be productive of the most beneficial effects; the consequences would be vigour and unanimity in this country—feebleness and discord in France. A mistake had been made by one noble Lord in the debate, with respect to Holland; it was not true that any armistice had been agreed on, and therefore all the conclusions

with respect to the treatment of Holland, from that supposition, were not well founded. He could not see the least mischief arising from the motion; it did not tend, as had been supposed, to cramp our exertions for our army, nor to defeat our energy in the naval department: nor could he believe that with all the love of glory, all the affection for their country, by which the people of England were more peculiarly characterised, the patriotism and energy of the country would be at all diminished by knowing that they were fighting, not for extermination and massacre, but in defence of their country and their liberty. Though he had not the hope that he should have the honour of voting with the majority to-night, he should certainly vote for the motion of the noble Duke.

Lord HAWKESBURY said, he had only observed, that the Dutch attempted to negociate, and proposed an armistice, which did not save them from invasion.

The Earl of CARLISLE expressed his surprise, that any noble Lord should refer to newspaper reports of proceedings in Parliament, which were never correct. He thought it was whimsical enough, that an overture for peace should be considered as beneficial, whether accepted or rejected; as he, however, could not believe that assertion, but considered the motion as tending to sow the seeds of despair in the nation, he should vote for the previous question.

The Earl of LAUDERDALE said, that his noble friend had been accused of want of respect to their Lordships, in bringing on the present motion after the rejection of the former one on the same subject. Their Lordships would, he thought, acquit his noble friend and himself of any want of respect. As to the irritation which it had been alledged this discussion would produce on the minds of the people, if it was meant by that, that it was calculated to irritate them against the government of the country, there was no ground for the assertion; but if it were meant that it would rouze the people from their present infatuation to a proper sense of the state in which they were, he considered it as highly meritorious, for into a more dangerous and fatal security the people of this country were never lulled; few of them, indeed, seemed awake to the horrors of the situation in which they were involved by the misconduct of Ministers, and meritorious he must consider it to open their eyes. This motion he considered as more peculiarly necessary, after the amendment which had been made on the late motion: the words in that amendment, which stated France not to be capable of observing the usual relations of peace and amity, were of a very dangerous tendency. No form of government was incapable of observing the usual relations of peace and amity; and if they merely related to the

individuals at the head of affairs, it was contrary to the practice of all States. Never was there a period in which one State had refused to negociate with another, because the Governors were weak or wicked. The expressions used were epithets of anarchy, and went the dangerous length of declaring, that the people of France were now in that deplorable state. If it was supposed that the individuals who succeeded to power in that country, would act in contradiction to their predecessors, why, if Brissot and the Girondists were the authors of the war, did not Robespierre endeavour to restore peace? or, if he was a favourer of war, did it not follow from the principle, that now moderatism was established, the rulers of France must be inclined to peace? With respect to the bad treatment the Dutch had been supposed to experience, and the requisition of certain articles from that nation, would any one say, that the French were the only people who would exact an indemnity for what they had suffered by the war? The Ministers of Great Britain, a twelvemonth ago, when they spoke a little plainer English, and did not deal in equivocating language so much as at present, held out their object to be, indemnity for the past, and security for the future. Did any one imagine that, when they in their pride of success, after taking Valenciennes and Conde, and while they talked of marching to Paris, would have been contented with a requisition of provisions and cloathing? Did not every one know that their indemnity was considered as of a much larger amount? To suppose that our exertions could have saved Holland, was as absurd as to imagine that we had interest with the eternal ruler of the universe, to have prevented the severe frost which had taken place in that country. If he had stated last year, as was now found to be the case, that the French would not wish to make Holland a department, and that they would leave the Dutch the choice of their own magistrates, he should have been laughed at; nay, Ministers then thought that the French, if ever they got to Amsterdam, would erect the guillotine, and sacrifice thousands to their lawless ambition. He should dread as much as any man, an invasion of this country, because in so new and trying a situation, the people would be incapable of making such exertions as those who had been more exposed to such a calamity; he therefore hoped Ministers would cease their mad career before such a dreadful event would be likely to take place. The motion he by no means thought likely to depress the spirits of the people; on the contrary, he was one of those who expected the best effects from it, as the refusal would tend to throw the blame of the contest on the Government of France. Let their Lordships call to mind the language held with respect to America, when it was said that there

was no Government with which we could negociate. A noble Earl (Carlisle) had been in America, as a Commissioner, a situation in which it was more particularly his duty to inquire into the state of the Government, and yet the noble Earl would have been under no small difficulty, if required, on his return, to give a particular description of the American Government. How unreasonable then was it to call upon any man who proposed negociating with France for a particular description of the French Government? With America we had negociated before she had even pretended to settle her form of Government; and America we had found capable of maintaining the accustomed relations of peace and amity. The argument of Ministers, that we should degrade ourselves by shewing a disposition to negociate in the hour of misfortune, was one that would be daily strengthened by their conduct; for while they acted as they had done hitherto, nothing but misfortune was to be expected.

The Earl of CARLISLE said, that while the great character now at the head of the affairs of America directed her councils, there was no reason to fear that peace, so advantageous to that country and to this, would not be maintained. When he returned from America he should not have propo ed negociation, unless persuaded that there was a government consistent with religion, morality, and social order.

Lord BORINGDON rose in explanation, and assured the noble Earl (Lauderdale) that he had misconceived his meaning, if he thought he had accused the mover of the question of any intention of irritating the Public, or being disrespectful to the House. He said, no man could deprecate more than he did the idea of affixing particular motives to the public conduct of any one, and he could assure the noble Lord, with great truth, that he gave him every possible credit for good motives and patriotic intentions.

Earl SPENCER felt himself called upon by some insinuations which had been thrown out upon the motives which actuated His Majesty's ministers in the prosecution of the war, to say a few words. It had been stated, that the minister had an interest to carry on the war; nay, it had been even stated that the war was to be carried on to eternity. What interest the ministers of this country could have in wishing for war he could not conceive; it was a state in which no country should involve itself, except upon the last extremity. With respect to the motion made by the noble Duke, he could not assent to it, because it could not, in his opinion, be attended with any beneficial consequences; on the contrary, it would have the effect which he had upon a former occasion men-

tioned, viz. that of encouraging the enemy. An idea had been most industriously circulated, that it was the intention of Ministers never to make peace until a Monarchial form of Government was established in France: this unfounded opinion had been entirely done away by the amendment proposed on the last debate upon this subject by the Secretary of State, and therefore he should give his vote for the previous question. Much reliance had been placed upon the argument that, if France refused our overtures, it would effectually unite the people of this country.—Whatever difference of opinion might prevail about politics, there was one point in which he hoped all the people of England were firmly united, viz. to stand or fall together in defence of their country. It appeared to him, therefore, by no means necessary that we should give to France an opportunity of treating our proposals with insult.

Lord SCARBOROUGH supported the previous question.

Lord STANHOPE said, their Lordships might perhaps consider his appearance as a sort of Bow-street business, or as the apparition of a departed *Sans Culotte*. They might remember, that Lord Chesterfield said there were three sorts of visits, without any appropriate term*: a short one he called a *vis*, a moderate one a *visit*, and a long one a *visitation*: he had come to make their Lordships a vis; and the learned prelates need not fear a visitation from him. He was not come to debate on the question, because it did not go far enough for him—Here the noble Earl was called to order by

The Duke of BEDFORD, who submitted to their Lordships whether it was proper that any noble Lord should be allowed to proceed, who expressly avowed that he did not mean to say a word to the question.

Earl STANHOPE said, his purpose in rising was to introduce a motion, which he meant to make on another subject, when he was again called to order by

The Earl of LAUDERDALE, who supported the Duke of Bedford's opinion on the point of order, and more particularly the irregularity, contrary to every custom of that House, of introducing any motion without a previous notice.

The LORD CHANCELLOR followed the two noble Lords in the same opinion, and thought it highly disorderly for any noble Lord to begin his speech, by saying that he did not mean to speak to the question.

Earl STANHOPE said, then he would meet all their objections

* Vide a letter furnished by that nobleman to a periodical paper, entitled "The World," conducted by Mr. Moore and his literary friends.

by speaking to the question, which he had a right to do, and therefore he must say that he disapproved of the motion, because it did not go the length of declaring that we had no right to interfere with the Government of France. He said he held in his hand a petition, which stated circumstances that he thought amounted to an infraction of a treaty between Sir Charles Grey and the French, for sending prisoners that had been exchanged to their own country, instead of which they were brought to England, and now imprisoned in Porchester castle; this was the subject upon which he intended to make his motion.

The Duke of MONTROSE again called him to order, and stated what the regular mode of proceeding was; in which the House, after a few words from the Earl of Carlisle and the Lord Chancellor, seemed to agree, when strangers were ordered to withdraw, and were not re-admitted.

We understand that the point of order being settled,

The Duke of BEDFORD made a very able reply to the arguments used against his motion.

The House divided on the previous question.

Contents 75; Not contents 12.—Majority 63.

After the first division, we understood that Earl Stanhope presented a petition to the House from certain Frenchmen confined in Porchester prison; which petition stated, 1st, That they were detained there contrary to the good faith of nations, inasmuch as they had been promised by the proclamation of Sir Charles Grey, and of Sir John Jervis, that they were to be carried to France. 2dly, That some Frenchmen in that prison had actually died from cold and famine. Earl Stanhope moved that the petition should lie upon the table. On a division there appeared

Against that motion 42; For it 5. Motion negatived by a majority of 37.

PROTEST.

Because we conceive the repeated declarations made in the name of the King, and the resolutions come to by this House, are, as they now stand, an effectual bar to all negociation with the present Government of France, which can alone be removed by a resolution of a similar nature to that avoided by the previous question, and which is become the more necessary, from the declaration of His Majesty's Ministers in debate. That the Government of France is of such a character, as to preclude the possibility of treating, so long as they shall continue to act on their present principles—A declaration which we conceive to convey little less than a determination to carry on the war upon such principles, that it can alone be terminated by the destruction of one or both the nations.

BEDFORD.
LAUDERDALE.
BUCKINGHAMSHIRE.
GUILFORD.

Friday, 13th February.

The Royal assent was given by commission to the bill for prohibiting the export and encouraging the import of grain into this kingdom, duty free, and to four other bills of a private nature.

The Commissioners were the Lord Chancellor, the Archbishop of Canterbury, and the Duke of Portland.

Monday, 16th February.

No debate. Adjourned till Thursday.

Friday, 20th February, till Tuesday, 24th February inclusive,

No debate. Adjourned till

Thursday, 26th February.

The order of the day being read for taking the Report of the Lords Committee, appointed to inspect the journals, as to the mode of giving judgement on trials for high crimes and misdemeanors, into consideration,

Lord THURLOW rose, and observed that on an attentive consideration of the various precedents reported to their Lordships, it did not appear that any one of them came near the case now under their deliberation. The one that bore any thing like a resemblance to it, was the case of Lord Middlesex, who was impeached on a variety of articles, some of which contained different allegations. The impeachment of Mr. Hastings was in many points distinct from every other case that had been brought before a court of justice in Great Britain. The number of articles preferred were twenty, each containing a great variety of different allegations. The Commons had given no evidence upon fourteen of the articles, and upon very inconsiderable parts of three more. So that, to speak more accurately, it might be said, that on four-fifths of the articles the Commons had given no evidence at all. It appeared, therefore, but an act of justice to the Defendant, to acquit him, in the first instance, of four-fifths of the matter stated in the articles. As to the articles on which the Commons had given evidence, it appeared to him to be impossible, either in justice to the Commons or to the defendant, to put one question only on each article, which had been the general practice; because each article comprised so many criminal facts, that, if there was any difference of opinion amongst their Lordships, it would be necessary to put a separate question upon each allegation. What he should propose, therefore, for the present, would be, that the House should resolve itself into

a Committee of the whole House, where the matter might be fully discussed, and where every Lord would have an opportunity of delivering his sentiments on every point, in the fullest manner.

The LORD CHANCELLOR concurred entirely in opinion with Lord Thurlow on the motion.

The report was therefore referred to a Committee of the whole House.

On being asked by the Lord Chancellor, what day he would propose to proceed,

Lord THURLOW said, he was ready at any time, having gone through the whole of the evidence with all the care and attention of which he was capable; but, as some noble Lords wished a farther time to refresh their memories, he proposed to proceed on the following Monday. Which was agreed to.

Friday, 27th February.

Lord ARDEN brought up from the Commons the County-Quota Landmen bill, which was read a first time, and ordered to be read a second time. Adjourned.

Saturday, 28th February.

The County-Quota bill was read a second time, and committed for Tuesday.

Monday, 2d March.

The House having resolved itself into a Committee on the impeachment of Warren Hastings, Esq.,

Lord THURLOW rose to open the mode of proceeding. He explained at very considerable length his idea of the nature of the present trial. His Lordship complained much of the looseness and inaccuracy with which the articles were drawn, containing many assertions which were either palpably false, or grossly absurd, and which a very moderate application to the documents, of which those who supported the prosecution were in possession, would have convinced them could not be substantiated. He was very far from wishing to throw an imputation on the Managers for these inaccuracies, and still less on the House of Commons, who could not possibly be supposed to look at the minutiæ of such extensive articles, comprehending in them all the important transactions of a great empire for the space of thirteen years. The zeal of the agents who drew the articles, had certainly outrun their discretion. The impeachment, however, might now be said to rest upon four points—breach of faith, oppression, and injustice, as in the two articles of

Cheyt Sing and the Begum; corruption, as in the article of the presents; and a wanton waste of the public money for private purposes, as in the contracts. In considering the two first points, he conceived it would become their Lordships to reflect on the situation in which Mr. Hastings was placed. Possessed of absolute power, the question would be, had he exerted that power for the public good, or had he on any occasion been actuated by base or malicious motives? If in the case of Cheyt Sing and the Begums, their Lordships should be of opinion that he was neither malicious nor corrupt, the charges naturally fell to the ground. It was the duty of Mr. Hastings to preserve the empire committed to his care, and in pursuit of that important object to adopt the measures best adapted to attain his end.

Lord Thurlow said, that the preamble to the articles was materially defective. It charged Mr. Hastings as the author, and fixed upon him the sole responsibility of all the acts recited in the twenty articles. The preamble contained a false statement of his situation, for the purpose of fixing responsibility upon him, for acts in some instances done by others; in some instances in which others participated: but as Mr. Hastings was the only person impeached, the preamble supposed him to possess the sole power in Bengal. Yet from 1772 to 1774, he was the President of a Council of thirteen; from 1774 to 1776, he was President of a Council of five, and invariably in a minority. From 1776 to the time of his departure in 1785, he sometimes possessed that power which his casting vote in Council gave him, and, on many important public occasions, was over-ruled by a majority. By a precedent at that time on the table, it appeared that the House, in the case of the Earl of Suffolk, had discharged several articles of his impeachment, because other Lords of the Council who were concerned with him in the matter contained in the articles, were not impeached. His Lordship again desired to be understood as laying no blame upon the House of Commons for preferring articles, comprising a space of thirteen years, and including in them every act of importance done during that period in Bengal, civil, military, political, and financial. He could not, however, avoid expressing his fullest conviction, that if in the last Parliament the Commons had separately considered the articles, they could not, under any possible circumstances, have been sent, in their present shape at least, to their Lordships' Court.

As to the mode of proceeding, it occurred to his Lordship, that the only way to do justice both to the Public and the defendant, would be to take up the allegations in the articles one by one, if any

difference of opinion should exist. For instance, if their Lordships were of opinion that the Commons had not made good any part of the Benares article, then a single question might decide it; but if any noble Lord thought that some allegations were made out, and others not, it would be necessary to put a vote upon each, since, in point of fact, there were so many acts stated to be criminal, that the Benares charge did in truth contain a great number of articles, on each of which, if a difference of opinion existed, they must come to a separate vote.

The LORD CHANCELLOR concurred generally in what had fallen from the noble and learned Lord, but could not go quite so far as to say that Mr. Hastings would be justified in any gross abuse of the arbitrary power which he possessed, even though it should be made clear that he was actuated neither by corrupt nor by malicious motives. Mr. Hastings had great power lodged in his hands undoubtedly. He was responsible to his country for a proper use of that power; and however pure his intentions might have been, if he violated every principle of morality and justice, he should not think that any public exigency ought to be pleaded as a justification. His Lordship fully concurred with Lord Thurlow in opinion, as to the looseness and carelessness with which the articles were drawn, and the great length to which they ran. He also conceived that the mode proposed to be adopted by the noble and learned Lord was the most proper, as a proceeding of this great importance could not be too deliberately considered; and when their Lordships had gone through the whole in the Committee, there would be an opportunity to re-consider it upon the report.

Lord THURLOW said, that as their Lordships seemed to be unanimously agreed to proceed point by point, he would begin with the Benares charge: and here he conceived no question could possibly arise until they came to the demand made by the Bengal Government for a war subsidy in the year 1778. This demand, the Commons assert, though made apparently on public grounds, was in fact made to satisfy the preconceived malice of Mr. Hastings, and was part of a regular plan laid down by Mr. Hastings to effect the total ruin of Cheyt Sing. Their Lordships therefore must examine the question of right, and they must look, which he confessed he had in vain, for the evidence to substantiate the charge of malice. If there was no proof of malice, the charge fell to the ground, unless the acts done by Mr. Hastings were of such a nature as to carry along with them ample proofs of the malicious motives in which they originated. In reviewing this subject, he saw the most perfect consistency in Mr. Hastings's conduct throughout.

He began by declaring his perfect conviction of the right of the the Company to demand military aid. He appealed to the written instruments which had been executed on the transfer of the sovereignty of Benares to the English, to prove that we had not given up the right, and he properly resented the Rajah's disobedience:—Mr. Francis, professing to entertain doubts as to the right, always concurred with Mr. Hastings in making the demands, but drew back in the years 1778 and 1779, on the Rajah's delays in complying with those demands. In 1780, indeed, he fully concurred with Mr. Hastings. His Lordship observed, that he should have occasion to recur to some passages in the written evidence, and therefore he would propose to defer their decision unto the following day.

After a few words from Lord MOIRA and Lord CAERNARVON, on the nature of Zemindary tenures, the Committee reported progress, and were appointed to meet the following day.

Tuesday, 3d March.

The House resolved itself into a Committee upon the bill to compel each parish in the kingdom to provide men for the service of the navy, Lord Walsingham in the chair.

Earl SPENCER took a slight review of the principle of the bill, which he said, he hoped, would not be objected to, because it adopted a mode hitherto unattempted: the existing circumstances of the times required every effort to be made for the service of the navy; and it would be found that every possible exertion was making by His Majesty's Ministers. In the years 1792 and 1793, more men had been raised than ever had been done before in the same period, yet more were still wanting; and this method had been thought the most adviseable to procure them, as being neither injurious nor oppressive to the subject.

The Marquis of BUCKINGHAM rose in opposition to the bill, and contended, that it was both oppressive, and in the present moment unnecessary. In all the times when this country was in the greatest danger by threatened invasions, there was but one instance wherein the usual practice of raising men had been deviated from; and which practice, it might almost be said, by custom, had become constitutional, at least it was generally understood that His Majesty had the power, and if the power, the duty, for there was no power which had not a duty attached to it, to command the service of every man in this country, when those services were wanting. To the maritime towns, it was that Government had looked for men, and there they had found them without resorting

to the interior of the country. He might be told there was no difference whether we took men from one part or the other; but in his opinion, there was a material one; for putting men on board of ships from the coasting towns was little or no hardship, for they were used to the sea, and their families were accustomed to their braving its dangers; but it was not so with those in the interior; and indeed he was afraid, much as he disliked to use the phrase, that it would be considered as a state of requisition. His Lordship begged to be understood as not objecting to it from a wish to weaken the hands of Government; he knew they had an arduous task to combat, and that they required every degree of strength that could be given them; his objection to this measure was, that it would more weaken than strengthen them, and he would be sorry to see it adopted, when, by the papers that were laid on the table, it appeared there were no less than 43,000 sailors, men and boys, who at this moment had protections. Was it not, therefore, extremely injudicious to create ill blood throughout the kingdom, by raising the paltry number of nine or ten thousand landmen, when such an immediate supply of better men was in their power? Having dwelt for some time on the bill in this point of view, he proceeded to consider it as a tax bill, in which, as well as in the supply of men, he contended the proportion was unfairly drawn, whether calculated from population or wealth; for instance, Yorkshire, under this bill, would have to supply one-ninth part; and who could say that was not beyond her proportion in both these points? The expences attending the forms appointed, he thought particularly hard; he had made an estimate of what would be the sum in the county in which he lived (Buckinghamshire), and found it would amount to no less than 900l. His Lordship next reverted to the wording of several clauses; some of which, he insisted, must be altered, to render it clear and explicit; and having pointed those out, he concluded, by declaring he should move amendments as the clauses were read.

Earl SPENCER, in reply, expressed his surprise that the principle of the bill should be debated at the time of going into the Committee; and therefore trusted the House would go through the clauses, and debate its principle, when that would be more regularly before them. He then entered into a general answer to the noble Marquis, in support of the measure, and defended the wording of the clauses which had been objected to.

The bill was then read clause by clause, and the Marquis of BUCKINGHAM proposed several amendments, all of which were

negatived. The bill passed the Committee, and was ordered to be reported.

The House having now resolved itself into a Committee on the impeachment of Warren Hastings, Esq. the clerk proceeded to read from the evidence given on the prosecution and defence, the several letters and consultations that had a reference to the demands made in the years 1778, 1779, 1780, the demand of cavalry, and some other points, which Lord Caernarvon desired might be read. From the number of books which were to be referred to, the Managers having omitted material passages necessary to the clear understanding of the subject, which were to be made up by a reference to the evidence given in defence; near three hours were employed in reading evidence, when

Lord THURLOW rose and said, he was exceedingly sorry indeed that he had undesignedly been the cause of so much of their Lordships' time having been consumed, and so little to their edification. If he had not believed that less than half an hour would have answered for all he wanted, he would have trusted to his own notes, which he now found were perfectly accurate. All he could assure their Lordships was, that he would not bring them into such a dilemma again.

The Earl of CAERNARVON desired it might be understood, that he had not proposed the reading of evidence; but finding the clerk employed, he had desired him to read some additional passages, which in his view of the subject appeared to be material.

Lord THURLOW said, he took the whole blame to himself, and would avoid such an error in future. He assured their Lordships, that when they met again, he would do what he was confident every other Noble Lord would do also: he would refer to every tittle of evidence that applied to the article before their Lordships; but if by any chance he missed any point, which if he did, it must be by mere accident, for he had attentively read and considered the whole, any noble Lord would supply the defect of his memory, by referring to the evidence itself; and the same rule would obtain with every other noble Lord.

The Committee then adjourned to Thursday the 5th of March.

Wednesday, 4th March.

The County-Quota Landmen bill for the better manning the navy, was read a third time, and passed.

Their Lordships were ordered to be summoned to-morrow, to

take into confideration the mode of giving judgement in the cafe of Warren Haftings, Efq.

Thurfday, 5th March.

The Houfe refolved itfelf into a Committee to confider farther of the charges of the impeachment againft Warren Haftings, Efq. and after a paufe of fome minutes.

Lord MOIRA rofe, and faid, if no other noble Lord would condefcend to begin the difcuffion of the day, he would take the liberty of opening it, not conceiving that the circumftance of his not having been able to attend the Committee before that day, precluded him from giving his opinion on any part of the proceedings, as he had been prefent pretty regularly on the days of trial in Weftminfter Hall. His Lordfhip faid, he would not make a motion, but would ftate two propofitions, leaving it to their Lordfhips to form any queftion out of them that they fhould think proper to fubmit to a vote.

His firft propofition, which for the fake of convenience he would put negatively, would be to this purport:

"That the Government of Bengal had no right to exact a tribute from Cheyt Sing."

If this queftion was decided affirmatively, it would put an end to farther difcuffion; if it were negatived, he would then ftate as a propofition naturally refulting from the negative of the former,

"That the Government of Bengal had regularly exercifed their right of fovereignty in exacting tribute from Cheyt Sing."

Lord MOIRA faid, that he certainly intended to vote againft his own motion, becaufe he was perfectly convinced that the Bengal Government had a right to demand military aid from Cheyt Sing, in time of war, and that Mr. Haftings would have neglected his duty if he had not demanded it. He was equally convinced, that in making the feveral demands, Mr. Haftings was not actuated by malice, but by a fenfe of public duty. He was not fo fixed in his opinion as to the mode of proceeding, as not to be perfectly willing to adopt any other motion that might be made, which would equally conduce to bring the merits of the cafe into difcuffion.

The Earl of CAERNARVON obferved, that previous to any difcuffion of the mode of proceeding into the examination of the various allegations, he conceived it would well become the dignity and the honour of their Lordfhips, to fettle what Lords had, and what noble Lords had not a right to vote. He faw new faces in the Committee every day; but it would be to the eternal difgrace of their Lordfhips, if Lords who had not attended fhould ultimately

vote in Weftminfter Hall. His Lordfhip objected to the motions of Lord Moira, and preferred the mode of taking the criminal allegations feparately.

The Earl of MOIRA faid in reply, that he was fure the noble Earl did not allude to him as amongft the Lords who had not attended; for except to fome part of the reply in the laft year, he had attended the trial very regularly. On this article, however, his Lordfhip faid, the evidence brought by the profecution had fo completely acquitted Mr. Haftings of all degree of blame, and had fo eftablifhed his merits, that he for one would have been ready to acquit Mr. Haftings, had he not heard one word in his defence. As to his motions, their Lordfhips would recollect he had not made them, but merely ftated them as propofitions. He was ready to withdraw them, and to give way to any noble Lord who might propofe any other method of arguing and difcuffing the merits of the cafe.

The Earl of COVENTRY faid, that though perfectly agreeing with the noble Earl, that it would be in the higheft degree indecent for Lords to vote who had not attended, he knew not how they could draw the line.

The Earl of MANSFIELD expreffed the fame fentiments. To himfelf the obfervation of the noble Earl could not apply, for it had happened, by moft extraordinary good fortune, as he might call it, that in a trial which had lafted feven years, he had not been abfent more than feven hours.

The Marquis of LANSDOWNE ftrongly contended that it was the right of every noble Lord, even thofe created in the prefent feffion, to vote if they pleafed, becaufe they had not the power to draw the line, nor to abridge the privileges of any one of their Lordfhips. But when he admitted the right, he would add, God forbid that in a fingle inftance he fhould fee the right exercifed. Indeed there was no danger. He congratulated their Lordfhips on the grave, folemn, and judicial manner in which they were proceeding. It was highly to the credit of Government that nothing like party or influence appeared. A trial which had lafted feven years, and had attracted the attention and the wonder of the world, would now be determined by the fixed rules of law and juftice. As to the Benares article, he had attended it during the profecution, and was ready, like the noble Lord (Moira,) on that partial ftatement of the cafe, to vote for the acquittal of Mr. Haftings, if he were to vote at all, which he certainly did not mean to do, having been moft unwillingly compelled to difcontinue his attendance by the ftate of his health, after the firft two and twenty days of the trial.

He had, however, read all the proceedings, and had certainly formed a clear and decided opinion upon the case. He should deem it his duty to attend the Committee, and to offer his sentiments from time to time if he thought it necessary.

The Earl of CAERNARVON rose again, and said he was not convinced by any thing which had fallen from noble Lords, that the House had not a right to determine what Lords should and should not vote: He claimed it in justice to Mr. Hastings; in justice to their Lordships, some of whom might eventually at a future period be in his situation; and it appeared to him to be a most monstrous idea, abhorrent to every principle of the law of England, that judges who had not heard, should determine a criminal cause.

Lord THURLOW rose, and though perfectly concurring in sentiments with the noble Earl, as he believed every Lord present did, yet gave it as his opinion, that every Lord must draw the line for himself; his own conscience and his own sense of honour must determine how many days attendance entitled him to vote. If their Lordships thought they might controul the Court, the mode must be, to appoint a Committee, to examine what days the several Lords had attended, and then to determine how many days attendance entitled a Lord to vote. His own situation for the first five years of this trial, his Lordship said, had made his attendance indispensable. He certainly had slackened in his attendance the two last years, and if on that account he were to be excluded, it would save him a good deal of trouble; and had he earlier known of such a resolution, it would have saved him much more; since he had been employed diligently for some months in going through an immense quantity of rubbish and trash, in the midst of which was dispersed the very little evidence, which was of consequence in this cause. The noble Lord who proposed the motions was willing not to make them; and he, for his part, was so perfectly indifferent as to the mode in which the matter was discussed, that the different manner in bringing it forward, was not, in his opinion, worth the half hour that had been lost in debating it. For the sake, however, of coming to some point, he would move that "the Bengal Government had a right to demand military aid from Cheyt Sing."

The LORD CHANCELLOR said, he had but one objection to that motion, which was, that it did not go to the whole extent of the charge, and consequently would prove nugatory; because, supposing the right to be admitted and established, it would still remain a question, whether that right had been reasonably, expediently, and wisely exercised. His Lordship detailed and reviewed all the

circumſtances under which the ſubſidy had been claimed and received in 1778 and 1779; and ſaid, he was ready to admit, that the Commons had not made good their charge in reſpect to thoſe two years; with regard to them, therefore, Mr. Haſtings muſt ſtand acquitted. But the conduct of the Governor General in relation to the tranſactions with Cheyt Sing, in the year 1780, appeared to him to ſtand in a different point of view, and to call for other conſiderations. To ſay the leaſt of that conduct on the part of Mr. Haſtings, it merited a certain degree of blame; but how far it might riſe up to a high crime and miſdemeanor, would depend on other and future proceedings of the Governor General, that yet remained to be diſcuſſed. His Lordſhip explained the ground on which he reſted this obſervation, to be the fact of Mr. Haſtings having, in the year 1780, received a preſent of two lacks of rupees, and having altogether ſuppreſſed that circumſtance from his council, when they were about to make a farther claim of five lacks from Cheyt Sing, as the war ſubſidy.

Lord THURLOW begged to know, what queſtion they ſhould agree to decide upon. He declared, he was perfectly indifferent as to the form of the queſtion, provided it was clear and intelligible. He by no means wiſhed that they ſhould come to any deciſion in the Committee, which would either preclude or affect the full exerciſe of every noble Lord's judgment, when, after repeated diſcuſſion of the charges, allegation by allegation, they ſhould arrive at the ſtage of the buſineſs, when they ſhould have to conſider what ſhould be the queſtion to be put to each noble Lord in Weſtminſter Hall.

The LORD CHANCELLOR coincided with the noble Lord, and farther explained himſelf.

Lord THURLOW replied very ſhortly; and it was agreed to take a queſtion on each ſpecific fact criminally alledged in the charges, excepting only where they were ſo blended as to conſtitute collectively one head of charge.

The Chairman of the Committee (Lord Walſingham) then read the queſtion in the following form: "That the Commons had made good their charge in reſpect to the tribute claimed and received from Cheyt Sing, the Raja of Benares, in 1778."

The Earl of RADNOR ſaid, he did not mean to detain the Committee from the queſtion: He roſe merely to ſuggeſt the inſertion of a few words by way of amendment, viz. after the word "that," to inſert the words, "It be the queſtion in Weſtminſter Hall, that—" His Lordſhip in an under tone of voice ſtated the reaſons which induced him to offer this amendment.

The Earl of CAERNARVON ſaid, he underſtood that it was

on all hands agreed that any queſtion put and decided upon in the Committee, with regard to particular facts and allegations in the charges, was not to interfere with or affect the queſtion or queſtions that were to be put ultimately to noble Lords in Weſtminſter Hall; that ultimate queſtion was to remain untouched for the preſent and fully open to future free diſcuſſion, after the Committee had gone through all the parts of the various clauſes ſeparately.

Lord THURLOW declared that to have been preciſely his meaning. His Lordſhip ſpoke of the great importance of the proceeding, the reſpect due to the Commons who had ſent up the impeachment, and thence inferred the propriety of ſubjecting the charges and the evidence, in part and in the whole, to frequent ſolemn and deliberate diſcuſſion.

The Earl of RADNOR ſaid he muſt ſtill perſiſt to move his amendment.

That queſtion was then put, "That the words of the amendment ſtand part of the motion," when the Chairman declared the *Not-contents* had it.

The queſtion was then put on the original motion, and the *Not-contents* carried it *nemine diſſentiente*.

The Committee adjourned to the next day.

Friday, 6th March.

Their Lordſhips having reſolved themſelves into a Committee of the whole Houſe, proceeded to the farther conſideration of the charges preferred by the Commons, as conſtituting the articles of Impeachment againſt Mr. Haſtings, the evidence adduced in ſupport of the charges, and the proceedings on the trial.

The LORD CHANCELLOR opened the diſcuſſion of the day by a maſterly diſplay of all the facts relative to that part of the firſt article of charge which related to the conduct of Mr. Haſtings, in reſpect to his having taken two lacks of rupees as a perſonal preſent to himſelf from Cheyt Sing, in the year 1780, and in the ſame year demanded a tribute of five lacks, together with the demand of the cavalry, and all the ſubſequent tranſactions, including the correſpondence between Cheyt Sing and the Governor General, the proceeding to arreſt Cheyt Sing, and the conſequences that followed. His Lordſhip compared the evidence with the facts, as he argued upon each, and declared he reſted upon no fact which had not, in his opinion, been either fully eſtabliſhed by written or parole evidence, or admitted by Mr. Haſtings himſelf in his defence, delivered in by him to the Houſe of Commons. He read the ſeveral letters in queſtion, treated fully of the negociation with Mr. Haſ-

tings at Calcutta, carried on through the medium of the Raja's Buxey, in order to get the war fubfidy remitted; and after having minutely detailed every circumftance of that part of the Benares charge which referred to the before-mentioned events, and contending that collectively they clearly and undeniably conveyed much imputation of blame on the Governor General, his Lordfhip adverted to two other material points, which muft neceffarily weigh confiderably with their Lordfhips in preparing and making up their minds to the general judgment that would ultimately come to be confidered, viz. the motives that influenced Mr. Haftings, and the principles of Government on which he avowedly acted in the courfe of that conduct which it had been his bufinefs that day to review.

A man's motives, his Lordfhip faid, was the laft matter for him to inquire into, or to decide upon, becaufe in general they were infcrutable, being known only to himfelf and to the Almighty; but when a man, fo far from attempting to conceal or diffemble his motives, affigned them himfelf, and declared openly that thofe were the motives on which he profeffed to act, and did actually proceed, it was impoffible not to believe him, and not only fair and warrantable, but neceffary, to confider and to treat them as the motives of his conduct. Mr. Haftings had declared in his defence given in to the Commons, and it appeared in various parts of the evidence referring to the particular fubject under confideration, and to other charges, that he acted from motives of perfonal refentment to Cheyt Sing, and meant to punifh him for an affront to himfelf. With regard to the principles of government laid down by Mr. Haftings, it clearly was his principle to confider himfelf as an abfolute Sovereign, and to conceive that he had, as fuch, a right to exact from tributary and dependent Princes, all their grain, and all their revenues, in moments of danger and exigency to the exifting Government of the country. This was, his Lordfhip faid, a moft abominable principle of Government, a principle that a Britifh Houfe of Parliament fhould never liften to with patience; and yet it was evident that Mr. Haftings not only acted upon it, but recommended it to Lord Macartney, as a principle to be exercifed by the Britifh Government in Madras, and in every part of India, during a war with Hyder Ally, or any powerful Prince in the country. Their Lordfhips might fatisfy themfelves upon this point, by turning to the evidence of Shiply, where they would find the letter from Mr. Haftings to Lord Macartney, to which he alluded. In that letter he ftrenuoufly advifes the noble Lord to take all the Rajah of Tanjore's grain and treafure for the public fervice, leaving him in poffeffion only of a bare fubfiftence during the war.

Having expatiated on this point, and stated the difference between an absolute Sovereign, and a Governor of a distant territory belonging to Great Britain; he expressed himself happy in the recollection that every Minister was responsible for his conduct to that House, whether he acted under the orders of His Majesty or those of the East-India Company; and viewing the four several clauses in the light which he did, he conceived they amounted to that which the Commons had charged, a high crime and misdemeanor.' He should therefore conclude by moving that the Commons had made good the first article relative to the subsidy of 1780; the demand of cavalry; and the injustice of Mr. Hastings, in falsely accusing Cheyt Sing of being unpunctual in the payment of his kists; and the arrest, for the purpose of fining him forty or fifty lack of rupees.

The Lord Chancellor said, that Cheyt Sing's letter to Mr. Hastings was a full and complete refutation of all the groundless charges which had been preferred against him by Mr. Hastings; that it was in style, humble and submissive to a degree, that made it disgusting almost to read; but Mr. Hastings had not scrupled to say, that the letter was offensive in style, and unsatisfactory in substance.

Lord THURLOW said, he was sorry to find that the noble and learned Lord had departed from the rule, which he had conceived to have been agreed on, to proceed with the parts of the charges separately, and to come to a question upon each one after the other. The noble and learned Lord had blended under one question, various parts of the same charge, amounting collectively to the most gross part of the charge, and called for their Lordships decision upon it, which might tend to puzzle the Committee, and confound their judgements. He proceeded minutely to detail the different transactions of the subject selected by the noble and learned Lord, and to argue upon the manner and circumstances which characterized and stood connected with each individually. He explained the grounds of the offer of the two lack to Mr. Hastings as a personal present, which was refused in the first instance; he then stated the intervening circumstances that induced him to accept the two lack afterwards, his conduct thereupon, when he ordered it to be paid to Mr. Larkins, and directed Mr. Larkins to place it to the Company's account, and went next to the discussion of the demand, and taking of the five lack, which were claimed, and taken also in the year 1780. The claim of the war subsidy, his Lordship said, had been assented to by the Council, when first stated to them by Mr. Hastings, as a measure necessary to be adopted, and had been in consequence actually applied to the Ways and Means of the year in supply of the current services. Lord Thur-

low said, that he trusted the learned Lord would, on farther consideration, be induced not to depart from the line which had been adopted for their proceedings, after much and mature deliberation, and adopted, as he had conceived, with the unanimous approbation of their Lordships. The Commons charged four acts of Mr. Hastings as four separate crimes—the demand of the war subsidy of 1780; the demand of cavalry; the false accusation of Cheyt Sing, for unpunctuality in the payment of the kists; the correspondence with, and arrest of Cheyt Sing. It was absolutely impossible therefore for their Lordships, if there was a difference of opinion amongst them, to put a single question on these four criminal allegations. He should therefore propose to put a separate question upon each. He could not however forbear to take some notice of the noble and learned Lord's allusion to a letter written by Mr. Hastings to Lord Macartney in the month of July 1781, and introduced by the Managers in their reply, upon grounds totally different from those, to which the noble and learned Lord applied the letter. But, as he had alluded to it, Lord Thurlow said, he would state the circumstances which gave rise to the letter; then he would state the substance of the letter itself; and he was confident that every noble Lord present would feel the conduct of Mr. Hastings to be completely justifiable, and highly laudable in every point of view. Their Lordships all recollected that in September 1780, Hyder Ally, after having cut off the flower of our army, over-ran the Carnatic with sixty thousand horse, and for many months after that unfortunate event, it was a point of extreme doubt whether we could preserve any footing on the coast of Coromandel, notwithstanding the great exertions of Mr. Hastings for its support. Under these circumstances the Governor who preceded Lord Macartney wrote to Mr. Hastings, that the Rajah or Poligar of Tanjore had refused a supply of grain to our army, for which the President had written a letter to him expressive of his displeasure. Speaking of this transaction to Lord Macartney, who had succeeded to the Government but the month before, Mr. Hastings expresses his astonishment that such language should be borne at a season of such distress. He tells Lord Macartney, that while the state, of which Tanjore is a subject, is in such extreme danger and distress, he conceives the Madras Government has a right to demand from the Rajah every aid which the country can afford; that while the service, in the present desperate condition of it, shall last, he would not leave the Rajah a grain of rice in his granaries, or a rupee in his treasury, beyond what is necessary for his personal subsistence. Lord Thurlow said, he was confident there was not one of their Lordships

that would not applaud the good ſenſe and the ſpirit of this letter, provided he conſidered the actual ſituation of our affairs in the Carnatic at the time the letter was written. Every Stateſman, he was confident, muſt approve of the manly ſentiments uttered by Mr. Haſtings; they amounted in ſubſtance, to this—*Salus Reipublicæ ſuprema Lex.* Mr. Haſtings, he ſaid, had been called a tyrant; he was ſo indeed, if it was a mark of tyranny to exert every nerve for the preſervation of the empire committed to his charge, at a moment when every exertion was neceſſary to repel the danger which ſurrounded us. With regard to Mr. Haſtings's definition of the principle of government in India, it was no more than the adoption of what was laid down by that great writer Monteſquieu, who ſaid in ſo many words, "that the right of an abſolute ſovereign is every thing; the right of the people under him as nothing." Every body knew that the natives of India had not an idea of any other principle of Government; but, his Lordſhip ſaid, he held Mr. Haſtings ſtrictly reſponſible for the uſe which he made of the arbitrary power confided to him for ſo many years. His Lordſhip ſaid he ſhould conclude, and would hereafter move that the Commons had made good the firſt article, ſo far as it related to the war ſubſidy of 1780.

The Earl of COVENTRY fully concurred with Lord Thurlow, and ſaid, the demand of 1780 was preciſely ſimilar to the two demands of 1778 and 1779, on which the Commons had put ſeparate queſtions. He alſo obſerved that the two lack preſented to Mr. Haſtings in 1780 was never conſidered by the Rajah Cheyt Sing, as in part of payment of the five lack afterwards demanded.

The Earl of CAERNARVON ſtrenuouſly contended, that the motives of Mr. Haſtings were avowedly thoſe of reſentment and perſonal malice. He referred to paſſages in the defence of Mr. Haſtings to prove this aſſertion. With regard to what the noble and learned Lord had ſaid of Monteſquieu having laid it down, "that the right of an arbitrary Prince was every thing; the rights of the people nothing;" Monteſquieu, he ſaid, did not lay it down as a principle of government, but only obſerved, that the conduct of arbitrary governments had amounted to that, and had been ſuch in effect. He reprobated Mr. Haſtings's treatment of Cheyt Sing all through, and aſked, what was to be ſaid of a man, who himſelf declared he did not treat Cheyt Sing as a Britiſh Governor would have treated a dependent on a Britiſh Government, but as Sujah Dowlah would have treated one of his dependents? His Lordſhip expatiated on Mr. Haſtings's taking the preſent, which,

he contended, according to its amount, lessened the means of Cheyt Sing to pay the five lack subsequently demanded. Nor had Mr. Hastings treated those who were his dependents, politically considered, with that injustice only; he had treated his ally, the Nabob of Arcot, in the same manner, as was evident from his instructions to the President of Fort St. George.

Lord THURLOW said, across the table, Lord Cornwallis had thought it right to pursue that line of conduct in a moment of similar exigency.

Lord CAERNARVON rose again, and said, that by seizing the Government and Revenues of Arcot and Tanjore, Lord Cornwallis had committed a greater act of violence and oppression than any which Mr. Hastings was accused of having committed.

The LORD CHANCELLOR said he had no objection to withdraw his proposed motion for the purpose of substituting Lord Thurlow's in its place.

Lord SYDNEY said, he wished the facts criminally alledged to be kept distinctly in the consideration of their Lordships, but he confessed, he rose principally in defence of his noble friend (Lord Cornwallis), for whom he professed to entertain the most profound respect. He trusted their Lordships would recollect that they were then determining upon the impeachment of Mr. Hastings. Lord Cornwallis was not before them; and therefore he hoped from the candour of the noble Earl, that he would offer some explanation of his expressions. Whenever a regular charge should be brought against his noble friend, he had no doubt but the noble Marquis would acquit himself of every shadow of imputation in a manner perfectly satisfactory to their Lordships, and highly honourable to himself. His Lordship said, he so fully concurred in sentiments with the noble and learned Lord (Thurlow), that he should have given a silent vote on his motion if he had not been called up by what fell from the noble Earl.

The Earl of CAERNARVON said in reply, that it was far from his intention to throw any reflection upon the character and conduct of the noble Marquis, of whose merits, talents, and virtues, no noble Lord had a higher opinion than himself. He had no doubt but that the noble Marquis would be able to assign very good reasons for having seized the revenues of the Carnatic and Tanjore during the war with Tippoo, in violation of treaties recently made. All he spoke to was the circumstance as it appeared by the papers laid before their Lordships some years ago, but without any explanation from the noble Marquis. He had not a conception of calling upon that great character for that explanation,

which, if he was called upon for, he was confident he would be able most fully to give.

The question was then put on Lord Thurlow's motion, and negatived—the *Not-contents* being declared to have it.

Monday, 9th March.

The House having resolved itself into a Committee on the impeachment of Warren Hastings, Esq.

Lord THURLOW rose, to open the nature of the evidence in the charge, relative to the demand of cavalry from Cheyt Sing, in the month of November 1780.

The charge, he said, stated, that with a farther view to harass, oppress, and ruin Cheyt Sing, Mr. Hastings did, in November 1780, move a resolution, that Cheyt Sing should furnish such cavalry as he could spare; that under colour of such resolution, he first peremptorily and arbitrarily demanded two thousand cavalry, then some lesser number, without offering to pay for them, though the Raja was not bound to keep up any cavalry, and though he was to be paid for whatever number he kept up.

His Lordship said, that he would endeavour as distinctly as he could, to state the evidence before the Court, which applied to this subject: In the first place, it was clear that there was no engagement by which Cheyt Sing was obliged to keep up any cavalry at all, or by which the Company were bound to pay him for any cavalry, which they might at any time require from him. The simple question here was this: Was Cheyt Sing, by the tenure under which he held, bound, in time of war, to furnish to the aid of his Sovereign, such cavalry as could be spared from the immediate wants of his Zemindary? On this point, his Lordship said he could have no doubt. It was in proof that Sujah Dowlah, while he was his Sovereign, had called upon him for a body of cavalry, which he did furnish, and it was absurd to suppose such an *imperium in imperio* to exist, as should preclude a Sovereign from calling upon a subject for troops in times of war and exigency. The next question then would be—"Did such an emergency exist in November 1780, as justified the application to Cheyt Sing?" Here, his Lordship said, he should again have reason to lament the excessive carelessness with which the agents employed by the House of Commons had drawn the articles, and the little attention they had shewn to the evidence that had a reference to this particular point. By taking all that appeared on the subject in the evidence for the prosecution, and on the defence, their Lordships would see that in September 1780, Mr. Hastings and his Council received intelligence of a

most alarming nature from Madras. Hyder had entered the Carnatic, had destroyed Colonel Baillie's army, and had driven Sir Hector Munro to the walls of Fort St. George. Sir Edward Hughes had informed Mr. Hastings also, of his having received undoubted intelligence that seven sail of the line, and seven thousand land forces, had left France, and were intended to co-operate with our enemies in India. At this period also, thirty thousand Maratta horse were encamped on the western frontier of Bengal: An invasion* of Bahar by the Marattas was also expected. The Nizam professed hostility; Nuzeph Cawn threatened Oude; Madajee Sindia's forces, Corah and Allahabad; and General Goddard was opposed by the power of Poona in Guzzerat. A more formidable league was never formed for the destruction of a single state at any period of time. Their Lordships, by a reference to the evidence, would observe the general dismay which prevailed in Calcutta at this momentous period. It was fortunate indeed that a man at that time presided in the public councils who possessed spirit, judgment, and decision: Not that he meant to throw any reflections upon the gentlemen who differed from him in opinion; the season was so awful, that nothing was more natural than for men to entertain different sentiments, as to the best mode of averting such multiplied dangers. Mr. Hastings proposed various measures: That a very considerable body of troops should be sent to Madras, and a large supply of treasure, and that Sir Eyre Coote should be requested to take the command of an army, naturally dispirited by its heavy losses, on an idea perfectly well founded, as the event so fully proved, that his presence would give spirits to all ranks upon the coast. To all these propositions, except to the motion respecting the Commander in Chief, Mr. Francis and Mr. Wheler objected; on the ground that Bengal was their first object, that the danger was at their door, and consequently that they could spare no troops, and but half the supply of treasure which Mr. Hastings had proposed to send to Madras. Sir Eyre Coote concurred with Mr. Hastings, and the casting vote of the Governor General preserved India to Great Britain. At a second consultation, on the 27th September 1780, Sir Eyre Coote gave in a plan for the defence of Bengal and Oude, which he had drawn out at the desire of the Board. Their Lordships would recollect that a considerable part of the Bengal army was then under orders to proceed to Madras: In the disposition therefore of the remaining force, it was necessary to form encampments where the attacks were most likely to be expected; and as an invasion of the province of Bahar was highly probable, Sir Eyre Coote proposed to station a large body of infantry in that province, together with two

regiments of horfe, and one thoufand or as many of Cheyt Sing's cavalry as they could procure. This was the origin of the demand of cavalry from Cheyt Sing, and their Lordfhips would determine with what propriety Mr. Haftings could be charged as the fole author of the meafure

Sir Eyre Coote, as appeared by the evidence, embarked for Madras in October, and on the 2d of November, in reading a letter from General Stibbert, relative to the want of cavalry on the northern frontier, the Board order an application for a fupply, and at the fame time Mr. Haftings is requefted to write to Cheyt Sing for fuch cavalry as he can fpare. It did not appear by the proceedings that the motion was made by Mr. Haftings. He would put it to the honour of any one of their Lordfhips, could any man ferioufly believe, that under fuch very monftrous and awful circumftances, Mr. Haftings could have no other object in view, than to harafs, opprefs, and ruin Cheyt Sing? The charge itfelf appeared to him not only groundlefs, but a charge which, on fuller confideration, could not have been preferred at all—Having brought the hiftory of the cavalry, with all its concomitant circumftances, down to the period of the demand, he would now, his Lordfhip faid, examine the conduct of Cheyt Sing on the occafion; and their Lordfhips would determine whether the defence which he made to the accufation of Mr. Haftings was fo humble, fo fubmiffive, and fo fatisfactory as a noble and learned Lord had ftated it to be; or whether it was, as Mr. Haftings had defcribed it, offenfive in ftyle, and unfatisfactory in fubftance. The demand was fent from Calcutta on the 2d of November. On the 7th of December Mr. Fowke, the refident, writes to Mr. Haftings, that he had repeatedly preffed the Raja on the fubject of the cavalry, but could obtain no anfwer. His letter contains other complaints of the Raja's ill conduct. On the 13th of January 1781, Mr. Fowke writes that the Raja fays, he has but thirteen hundred horfe in his fervice, and that all except two hundred and fifty are abfolutely neceffary for the fervice of the collections. Their Lordfhips were poffeffed of the completeft evidence to prove that both thefe affertions were falfe. Mr. Markham had diftinctly fworn that he had above two thoufand five hundred in his fervice; and the affidavit of Mahomed Myer, one of Cheyt Sing's Commanders, fully confirmed Mr. Markham's evidence. His Lordfhip obferved, that in all its parts the evidence of Mr. Markham was perfectly clear and diftinct. Mr. Markham alfo fwore that a very fmall body of cavalry, one hundred, were amply fufficient for the fervice of the collections. Cheyt Sing afferts in his letter that Mr. Haftings made no reply to the information which he

had ſent him of the number of his cavalry. This aſſertion alſo was falſe; for Mr. Markham, who arrived at Benares the 1ſt of February, and conſequently muſt have left Calcutta immediately after Mr. Haſtings had received the Raja's letters, carried an order for him to ſupply fifteen hundred horſe. "Your Lordſhips, by referring to the evidence (ſaid Lord Thurlow), will ſee, that he afterwards reduced the demand to one thouſand. You will ſee that, in point of fact, he never could procure a ſingle horſeman. It will be impoſſible to read the evidence of Mr. Markham, without obſerving that he preſſed him with the anxiety and ſolicitude of a friend, even to make a ſhew of obedience by muſtering five hundred horſe, but that he never could get him to muſter a ſingle horſeman: Mr. Markham told him, that by his diſobedience he would certainly incur the higheſt diſpleaſure of Government: and upon one remarkable occaſion, when he was ſitting in a minaret at Ramnagur with Cheyt Sing, he told him on ſeeing a body of horſe on the plains, 'If you will but ſend me thoſe men, it will ſhew your deſire to obey your orders.' My Lords, Mr. Markham could not procure a ſingle horſeman from him." His Lordſhip then proceeded to remark upon the letter of Mr. Haſtings, and Cheyt Sing's reply to it.

Mr. Haſtings ſays, in his letter to Cheyt Sing, that in the name of the Governor General and Council he required the Raja to furniſh a body of horſe to aſſiſt and act with the armies of the Company; that when Mr. Markham ſucceeded Mr. Fowke, he ordered him to repeat the demand, which he did with frequent, and almoſt daily importunity; limiting the demand to fifteen hundred, afterwards to one thouſand. To this demand (he adds) you returned evaſive anſwers, nor to this hour have you contributed a ſingle horſeman.

The Raja in reply ſays, that when required to ſend a ſupply of horſe, he ſent Mr. Haſtings a particular account of all in his ſervice, amounting to one thouſand three hundred, but received no anſwer. Mr. Markham delivered him an order for one thouſand. He collected five hundred, and five hundred burkendaſſes, and told Mr. Markham they were ready to go wherever ordered. "No anſwer came from you (ſays Cheyt Sing), and I remained aſtoniſhed at the cauſe of it. Repeatedly I aſked Mr. Markham about an anſwer to my letter relative to the horſe; he told me he did not know the reaſons why no anſwer had been ſent. I remained aſtoniſhed."

Lord Thurlow commented upon every part of this anſwer, which he affirmed to be impudently falſe, and that the means of direction were at hand. Mr. Haſtings well knew that it was totally falſe.— Mr. Markham contradicted it in every particular, as he had already

explained. His Lordſhip ſaid, that as the demand of cavalry, as well as every other meaſure taken by Mr. Haſtings towards Cheyt Sing from the date of 1778, was ſtated broadly to be taken in order to ruin him, he would call to the recollection of their Lordſhips the very particular advice and orders given to Mr. Markham on his leaving Calcutta to proceed to Benares in January 1781. He was deſired to behave to Cheyt Sing on all occaſions with kindneſs, mildneſs, and civility; and to avoid the conduct of his predeceſſor, Mr. Graham, who Mr. Haſtings thought had behaved harſhly and rudely on ſome occaſions to Cheyt Sing. Lord Thurlow deſired they would bear this circumſtance in mind, when they conſidered the very ſtrong and pointed facts ſtated by Mr. Graham againſt Cheyt Sing, and they would ſubtract as much as they pleaſed from the weight of that gentleman's teſtimony, in conſequence of the idea Mr. Haſtings entertained of his being a prejudiced man. But no ſuch objection could be made to Mr. Markham's evidence. He appears, on all occaſions, to have followed the advice of Mr. Haſtings, to have treated the Rajah as a friend, and to have exerted himſelf all in his power to ſave him from that ruin which his folly and diſaffection brought upon him. "He will not allow me to be his friend (ſays Mr. Markham in a letter to Mr. Haſtings). He is ſurrounded by bad adviſers, who tell him of a French invaſion, of the Marattas entering our provinces, and that he ſhould not ſend us the cavalry, until he ſees what turn our affairs will take."—"Look, my Lords (ſaid Lord Thurlow), at the ſituation of Bengal at that moment. Prior to the agreement which ſecured the return of the Maratta army from an attack, every thing hoſtile was to be expected. If Mr. Haſtings had not purchaſed the retreat of that army for money in April 1781, it would undoubtedly have entered Bengal as an enemy in May. In that event, it is equally clear that Bimbajee Booſla would have entered Bahar, at the head of a numerous army of horſe. While matters remained in this uncertainty it was that Cheyt Sing acted in the manner already mentioned: And afterwards, on hearing from Calcutta that he was likely to be ſeverely puniſhed, he made an offer of twenty lacks, and then of twenty-two and a half lacks, to buy off both the demand of cavalry and the war ſubſidy. But on receiving ſubſequent intelligence from Calcutta, he broke off the negociation altogether; and that which Mr. Anderſon calls an indirect offer, the charge affirms to have been an offer which Mr. Haſtings refuſed to accept."

Having argued this point moſt fully, and appealed to the evidence given on both ſides in ſupport of his arguments, his Lordſhip concluded by moving, "That the Commons had made good the

first article in so far as it respected the demand of cavalry from Cheyt Sing."

The Earl of CAERNARVON contended that the demand had been made with a view to its not being complied with, in order to lay the ground for the subsequent proceedings at that time projected and determined on by Mr. Hastings. In support of this the Earl said, it was clear to his mind that Mr. Hastings had projected all the measures that he afterwards put in practice against Cheyt Sing long before he demanded any cavalry, and that the manner in which the demand was entered in the minute of consultation, viz. "for such part of the cavalry entertained in his service as he can spare," implied either that the Governor General was conscious that he had no right to expect obedience from the Rajah in this particular, or that he did not expect that the demand either could or would be complied with. The words of the minute, "Such part of the cavalry entertained in his service as he can spare," implied and admitted exercise of discretion in Cheyt Sing as to the number that he could furnish; and if he thought he could not spare any, he neither acted contumaciously, nor ought in candour to have been considered as having deserved punishment. If the Governor General had a right to expect obedience respecting the cavalry, why did he not make his demand in a direct, absolute and peremptory manner, instead of stating it in terms so insidious and deceitful? His Lordship enforced this by much argument, and differed entirely from the noble and learned Lord in his inferences and deductions on the subject.

The LORD CHANCELLOR said, he was not a little surprised to find the noble and learned Lord select from the article respecting Benares, a few points not even stated as a substantive charge, but alledged merely as facts of a secondary nature, and introduced as corroborating circumstances, to shew the colour and complexion of every part of the system of conduct pursued by Mr. Hastings, respecting the Rajah Cheyt Sing. His Lordship replied to several of the arguments of the noble and learned Lord who spoke first, particularly explaining the cause of the minute of the Council of the 2d of November 1780, by stating that it originated with Sir Eyre Coote's prior recommendation, and that its having been adopted on that day arose from a consciousness of its being an adviseable measure. After stating various parts of the evidence, and laying great stress upon each, his Lordship said, he could not help viewing the transaction in all its circumstances in a different light, and that he consequently drew very different conclusions from those stated by the noble and learned Lord.

The Lord Chancellor added, that he must take Mr. Hastings's

account of his own actions in preference to any other evidence whatever. He had distinctly stated in his defence before the House of Commons, that he moved the resolution for calling upon the Rajah for cavalry, and therefore such must be taken to be the fact. Before he sat down, he repeated that he did not conceive the noble and learned Lord would have stated the facts mentioned relative to the cavalry as a substantive charge.

Lord THURLOW, in reply, said, that it had been agreed to take each criminal accusation on which a difference of opinion existed, separately. The clause relative to the cavalry was expressly stated to contain criminal matter. Mr. Hastings was accused of making a demand which he had no right to make, and to make it from malicious and revengeful motives, with a farther view of harassing, oppressing, and ruining Cheyt Sing. He professed himself much obliged to the noble and learned Lord, for having set him right in one point, and he would be equally obliged to any noble Lord who would at any time correct his errors. Their Lordships, he was sure, would give him credit for meaning to lay before them, with the strictest impartiality, all the evidence that bore on every point either for or against the defendant. In the case alluded to by the learned Lord, trusting to the proceedings of the Council on the 2d of November, 1780, he had said that the vote to call upon Cheyt Sing for cavalry, did not appear to be passed on the motion of any particular Member. It was agreed now, that the idea originated with Sir Eyre Coote. That was a point fully established by the evidence, and consequently the charge set out completely wrong. But on looking at the defence of Mr. Hastings, he found that gentleman said, "I moved in Council that Cheyt Sing be required to furnish such cavalry as he can spare; and this was done by the advice and recommendation of Sir Eyre Coote." His Lordship added, that he thought himself bound to inform the Court why this particular expression had slipped his memory. The fact was, that he had paid very little attention indeed to the defence delivered by Mr. Hastings at the bar of the House of Commons to this article. He knew it to be the rule of law, that a man was to be bound by his own defence, and that any thing contained in it might be taken against himself. Their Lordships, however, had full evidence before them, that not a line of the defence on the Benares charge was written by Mr. Hastings; and all the objectionable parts of it which had been relied upon in order to shew malice, were actually inserted after Mr. Hastings had heard the other parts read once cursorily over. To a defence presented, not in reply to the Benares article now before their Lordships, but to a charge on which the article

was founded, he ſhould not pay much attention, and particularly where the facts ſtated in it were fully diſproved.

The circumſtances under which Mr. Haſtings delivered his defence to the immenſe volumes of charges brought before the Commons, had been fully explained. He took to himſelf to anſwer what he conceived to be the moſt important part of the charges, and the defence of the Benares charge was entruſted to Mr. Halhed, a gentleman of ſplendid abilities, and great information, but of too high a genius to attend minutely to the ſtrict accuracy of his facts, and certainly better calculated to explain a prophecy, if Mr. Haſtings had wanted him for ſuch a purpoſe, than for a laborious inveſtigation of the Company's records. The manner in which Mr. Haſtings's defence had been written—the reaſons which induced that gentleman to confide in others the compoſition of parts of that defence, while he anſwered what he conceived the moſt material parts himſelf, had been ſo fully explained to their Lordſhips, that he believed their Lordſhips would not lay any ſtreſs on particular expreſſions which were not an anſwer to the articles now before their Lordſhips, but to charges preferred by an individual Member to the laſt Houſe of Commons.

The LORD CHANCELLOR, in reply to what Lord Thurlow had ſaid of the amount of Cheyt Sing's cavalry, declared, that he could pay no attention to the affidavit of Mahomed Myer; and conſidering the circumſtances under which they were taken, he did not think them entitled to credit.

Lord THURLOW ſaid, in reply, that the affidavits were evidence adduced not by the defendant, but by the proſecutors, who had not in any one inſtance endeavoured to deſtroy their credit; conſequently, under every rule of law they muſt be received as full and complete evidence, as far as they went.

On the queſtion being put, it was declared that the *Not contents* had it, and this part of the charge was conſequently negatived.

The next part Lord THURLOW ſpoke to was, the charge of a conſpiracy entered into by Mr. Haſtings with the Vizier, for the ſale of Cheyt Sing's diſtricts to the Vizier. This, his Lordſhip ſaid, he need not dwell upon, as it reſted ſolely on the evidence afforded by the letter of Mr. Anderſon. After a few words, therefore, on that letter, his Lordſhip moved a queſtion in the uſual form, on the ſubject of that part of the firſt article; when, on putting it to the vote, the Chairman declared that the *Not contents* had it *nemine diſſentiente*.

Lord THURLOW then roſe to move a queſtion on the next part of the charge, which was, that in farther proſecution of his ma-

licious intentions, and with a view to harass, oppress, and ruin Cheyt Sing, Mr. Hastings, in January 1781, accused him of being in arrear in the payment of his kist, and particularly that part of it which was appropriated to the payment of Saadut Ally's pension: That the charge was false, as he had paid up his kists with the utmost regularity; that it was made in peremptory and insulting language, and with a view to drive the Rajah to some act of desperation. His Lordship expressed his sincere concern, that a charge so worded, without a shadow of evidence to support it, but with the fullest evidence to disprove it, should have been made in the name of the House of Commons. He again desired to be understood to impute no blame to them; they were not responsible for the infinite number of allegations that were to be found, in proof of which nothing had been offered; but he was astonished at the carelessness and want of attention of their agents. Even in justice to them, however, he would say, that if they had seen one document, which had since been produced in evidence, the charge could not have been preferred. The facts, as they now appeared in the evidence, were these:—Cheyt Sing was bound by his agreement to pay his kists month by month, either at Benares, in cash, or by bills on Calcutta. If paid in cash at Benares, they were to be paid the day they were due; if by bills on Calcutta, those bills were to be made payable fifty-one days after each kist became due. So early as March 1776, complaints were made of his unpunctuality, and then, on a promise to Mr. Fowke, the Resident, that he would be more punctual in future, Mr. Fowke says, he has ventured to tell him that he shall not be *fined* for his past unpunctuality.

These complaints are renewed at different periods; but on the 17th of December, 1780, Mr. Fowke writes expressly to Mr. Hastings, that the Rajah had of late been very dilatory in the payment of his kists, and particularly that part of it which was appropriated to the payment of Saadut Ally's stipend. It appears then from this evidence, that not a doubt can remain of the perfect propriety of Mr. Hastings's conduct, in writing the letter which he did to Cheyt Sing, in consequence of a complaint from the public resident, Mr. Fowke.

But if the defendant had not brought forward all this evidence, his Lordship contended, that the case, as it stood for the prosecution, proved the unpunctuality of Cheyt Sing, and consequently would have justified Mr. Hastings.

Their first document was an account or journal from the India House, transmitted from Bengal in April 1782, which proved that all the kists for 1780, and to May 1781, were paid; but when

they were paid did not appear. The conclusion drawn by the Managers was, that they were paid month by month—a conclusion which they themselves overturned in the next page, where they produce two letters from Mr. Fowke, the first dated Benares, the 7th of December, 1780, acknowledging the receipt of bills for the kist due *on the 4th of November*. The second, dated the 13th of January, 1781, in which he acknowledges the receipt in cash at Benares, of the kist due *on the 4th of December*; consequently the Managers themselves prove, that in one instance there was a delay of one month and three days; in another, of one month and nine days.

The Managers observed to their Lordships, that they would prove by *oral testimony* afterwards, that it was the custom of the country to pay one month under another. Had they so done, said Lord Thurlow, then they would have made out their charge: but to do so was *impossible*. All the written evidence proved, and Mr. Markham, by his oral testimony confirmed it, that Cheyt Sing was bound by his agreement to pay each month's kist as it became due. He paid his kists punctually, said Mr. Markham, when on the day it became due he gave the amount in cash to the resident, or bills on Calcutta, payable fifty-one days after date. He would not detain their Lordships longer with remarks on so groundless a charge—a charge that ought not to have been made at all, and which had been disproved even by the Managers themselves. His Lordship then moved, "That the Commons had made good the first article, as it related to Cheyt Sing's unpunctuality in the payment of his kists in the year 1780.

The LORD CHANCELLOR said, that however noble Lords might differ on other parts of the charge, they must be clear that this was fully made out. Whether the terms in which the charge was couched were correct, he would not say, but it was clear that Mr. Hastings had accused Cheyt Sing of unpunctuality without any just cause; some, in fact, he paid within the period ascribed to him. He was allowed fifty-one days grace, and he paid for December 1780 and January 1781 in thirty-three and forty days after the kists became due.

Lord THURLOW said, he was really astonished at the mistake which the noble and learned Lord had committed: he was afraid he was misled by the syllabus then before him. But if he would look at the evidence, he would see that the unpunctuality of Cheyt Sing was completely proved. He would not go over the ground again; but though Cheyt Sing was unpunctual, Mr. Hastings had

been silent, until the complaint of the public resident induced him to write to the Rajah.

The Lords called for the question, which was immediately put and negatived.

Tuesday, 10th March.

Their Lordships having gone into a Committee on the articles of the impeachment,

Lord THURLOW rose, and called the consideration of the Committee to that clause of the first article, which contained the charge of having illegally delegated the powers of the Governor and Council to himself when Mr. Hastings went to Benares, and there ordered the arrest of Cheyt Sing. His Lordship went over the arguments advanced on this charge by the Managers of the House of Commons, and the evidence adduced in support of it, and contended that the full and sufficient answer to each would be found in the history of the government of the Company's possessions in India, ever since they held any sort of sovereignty in that country. His Lordship stated the several precedents to be met with in that history, that proved the practice to have been no novelty whatever, but on the contrary, that it had been resorted to on various occasions, where the person entrusted with the highest office in the civil and military department had left Calcutta, and gone into the interior or distant parts of the Company's settlements or dependencies for purposes of State policy or necessity. The precedents he cited were those of 1763 and 1765, when Mr. Vansittart and Lord Clive held the first office in the Company's service, and the recent instance of Lord Cornwallis in the course of the late war with Tippoo Saib. His Lordship just used a cursory argument on the obvious necessity and advantage of a Governor General having a right to delegate and assume to himself the powers of government, on great and emergent occasions, and said, he deemed the precedents he had quoted amounted to an ample justification of the conduct of Mr. Hastings, in delegating the powers of the Governor General and Council, and vesting them in his own person, when he went to Benares. He therefore moved, "That the Commons had made good that clause of the article which contained the charge against Mr. Hastings of having illegally delegated the powers of the Governor General and Council, when he went to Benares."

On the question being put, the *Not contents* had it.

Lord THURLOW next proceeded to what passed on Mr. Hastings's arrival at Benares, his arrest of Cheyt Sing, and all the consequences that followed; the part of the article containing which,

as set forth by the Commons, he admitted to be a grave, serious, and weighty charge. In order to understand it clearly, and to ascertain how far it was criminal on the part of Mr. Hastings, it would be necessary, his Lordship said, to examine all the facts and circumstances, and to consider the motives that led to each, and the effects they severally produced, calmly and impartially. But previous to his entering into a consideration of this important part of the subject, there were certain observations which he should trouble their Lordships with, and they appeared to be so very material, as, in his opinion, to require their serious consideration. Their Lordships all recollected, that at the close of the year 1783, a bill was brought into Parliament, by Mr. Fox, whose name the bill bore, which had for its object the assumption of the power of the East-India Company, by commissioners to be appointed by Parliament. That bill was ultimately rejected, and the succeeding Administration brought in another bill, which left the management of their affairs in the hands of the East-India Company, subject to the active control of a Board, to whose situation responsibility was annexed. However different these bills might have been in various particulars, yet in *one* they both *concurred*. It was assumed as a fact, that great oppressions had been practised in India upon Rajahs, Zemindars, Polygars, &c. It did happen, and rather unfortunately, that *the fact of the existence of these oppressions* was supposed to be *so clear*, as to supersede the necessity of proof, and accordingly a clause, which in substance was originally inserted in Mr. Fox's bill, was afterwards copied into the bill of Mr. Pitt, and of course became a law. The clause to which he alluded was the 29th of the India-Regulating act of 1784, commonly known by the name of Mr. Pitt's India bill. That clause, after affirming that complaints *have prevailed* that divers *Rajahs*, Zemindars, Polygars, Talookdars, &c. within the British territories in India, have been unjustly deprived of, or compelled to abandon and relinquish their several lands, &c. &c. enacts, that the principles of justice, and the honour of this country, require that such complaints should be forthwith inquired into, and fully investigated, and if founded in truth, effectually redressed. His Lordship observed, that this clause appeared to him precisely to meet, and to be intended to meet, the case of Cheyt Sing. Indeed he knew no other person to whom it could apply. Let their Lordships consider for a moment how they stood. Not only was the law *positive* as to an *immediate investigation* of the justice of this person's expulsion, and of course he must presume the case had been fully inquired into by those who were bound by the law to make the inquiry, but the state of India had been an-

nually laid before the House of Commons for the last eight years; and a particular account was presented and printed of the various resources of the several Governments in India. Under the head of Bengal Resources, which amounted, in the whole, to five millions and a half sterling, one of the articles was *Benares revenue*, four hundred and thirty thousand pounds; that very revenue which the Commons have declared it criminal in Mr. Hastings to *create*, has been publicly received, and treated as a never-failing annual resource, as indeed it has hitherto turned out. If then, said Lord Thurlow, the same body which has impeached Mr. Hastings for this act of creating the revenue, has continued for twelve years to receive it; if the law positively enjoining the Company and the King's Ministers to restore Cheyt Sing, if he were unjustly dispossessed, has been obeyed, as no doubt it had been, must it not appear most singular and extraordinary to their Lordships, that this charge was preferred, and insisted upon to the last? The only use which he wished their Lordships to make of the preceding remarks was, that it might induce them carefully to look at the nature of the accusation, and compare it with the proofs. Having troubled their Lordships so much on the preceding day on the subject of that part of the letter of Mr. Hastings to Cheyt Sing, and his answer relative to the cavalry; having proved, by a reference to the evidence, not only that the letter itself was impudently false, but that Cheyt Sing must have been convinced that Mr. Hastings knew it to be false, he should now proceed to the other part of that letter, which a noble and learned Lord had declared not only to be humble and submissive, but to contain also a full and satisfactory reply to the charges of Mr. Hastings.

His Lordship then proceeded to the first article of accusation in the clause, which was, that when Mr. Hastings arrived at Benares, he wrote a letter to Cheyt Sing, containing charges which were false, malicious, and wicked; and that Cheyt Sing's answer to those charges was a complete justification of his conduct. He would now proceed to examine the other charges, and the Rajah's answers. Mr. Hastings tells him, that after having solemnly promised to pay the war subsidy of 1780, he had disappointed him, and that the disappointment was attended with very unhappy consequences, and might eventually have occasioned the total loss of Colonel Camac's detachment. To this charge the Rajah replies, that he obeyed the orders *with the utmost alacrity*—that he first paid one lack—then one lack and seventy thousand rupees—then wrote to require time, and receiving no answer, as it was no time for delay, he completed the payment of the remainder at certain dates

which he specified. Lord Thurlow said, that a reference to the evidence would convince their Lordships that this answer also was false in all its parts, and Cheyt Sing could not be ignorant that Mr. Hastings knew it to be false. As soon as he had paid one lack, which he did not do until the 5th of August, 1780, though the demand was made in the latter end of June, he peremptorily refused to pay the resident any farther sum, until he got an answer to a letter he had written to Mr. Hastings, requiring farther time to dispose of his effects. To this representation, the Rajah said, he received no answer; though a reply was immediately sent, strongly expressive of the Board's displeasure at his excuses, which, they said, they knew to be futile. This displeasure of the Board had not the effect of procuring the payment, which was not finally made until the 18th of October, 1780, although the Rajah does not deny that he promised immediate payment in the month of July. It was clear, therefore, from the evidence, that to the two charges preferred by Mr. Hastings, the answers were of that nature as well to deserve the description given of them by Mr. Hastings: that they were unsatisfactory in substance, the evidence fully proves.

In the close of his letter, Mr. Hastings mentions the disordered state of the police throughout the Zemindary. Cheyt Sing assures him in reply, that he paid the utmost attention to that important object. Their Lordships had a great mass of evidence before them, which proved the falsehood of this reply also. The defective state of the police had been a subject of very general complaint for years, and in no one instance did it appear that redress was afforded by Cheyt Sing. As to the style of the letter; the humble expressions it contained; the avowal that he was the slave of Mr. Hastings; amounted to just as much as an Englishman signing himself the most obedient and faithful servant of a man whom his letter offended, and was meant to offend in every other line of it. It was not possible that Mr. Hastings, so many years resident in India, so well acquainted with the forms of correspondence, should have remarked on the offensive style of the letter in his address to the Board, unless the remark were well founded. As to its being palpably and grossly false in every particular, Lord Thurlow had no hesitation in saying that it was so.

The next allegation was, that Mr. Hastings put the Rajah under an arrest, as it is said, in another clause, for the purpose of extorting a fine of forty or fifty lacks of rupees from him. He would not advert to the circumstance of the intention never having been communicated to the Rajah; but as this was stated to be the real

and weighty accusation of the charge, he would examine it fairly and distinctly with the evidence.

First then, it was perfectly clear, from declarations anxiously made by Mr. Hastings himself, that when he left Calcutta in July 1781, he intended to levy a fine of forty or fifty lacks of rupees from the Rajah. Lest the world should doubt his having really formed such an intention so early, he called upon Mr. Wheeler, Mr. Anderson, and Major Palmer, to prove the communications which he made to them upon this subject before he left Calcutta. On his arrival at Boglepore, Mr. Markham met him, and he communicated his intention to him also. Mr. Markham observed, it was a very large sum, and that he believed the Rajah's revenues had been over-rated in Calcutta. To this remark Mr. Hastings replied, "We will talk farther on this subject at Benares," meaning most obviously, that if the Rajah's wealth and his revenues were less than Mr. Hastings had supposed them to be, he would take a smaller sum. Considering the wealth, which, as it was afterwards proved, the Rajah did possess, and the nature of his offences, Lord Thurlow said, he had no hesitation in giving it as his opinion, that Mr. Hastings had not exceeded the bounds of moderation and justice, in fixing the amount of the fine at forty or fifty lacks. By so doing, he would have punished a man notoriously disaffected; he would have deprived him of part of the means of resisting the authority of the sovereign state in future, and he would very materially have relieved the exigencies of the Company, which were at that time in the highest degree alarming. But if there were noble Lords who thought the fine beyond the offence, still, his Lordship said, unless some sinister motives were imputed to Mr. Hastings as the ground of his proceedings, he could not conceive how it would be possible to impute criminality to him. As for himself, Lord Thurlow said, he was decidedly of opinion, from the evidence, that Mr. Hastings would have been justified in depriving Cheyt Sing of his zemindary altogether.

Having considered the circumstance of the arrest as connected with the intention of levying a fine (and in this, as in every other country, fines are a branch of public revenue), he would now proceed to the charge, which stated, that the arrest disgraced Cheyt Sing in the eyes of his subjects. There was full evidence to prove that it could have had no such effect—that the act disgraced the English in the eyes of all Hindostan; it was fully proved in evidence, that no such disgrace attached to us from this act; that the Rajah wrote letters of despondency and alarm, and that Mr. Hastings took little notice of them; it is in proof that he wrote to the

Rajah, to set his mind at rest, and to be under no alarm or uneasiness. It was next stated that a *sudden affray* rose in consequence of the outrages offered to the Rajah, and that the guard was destroyed by the fury of the populace. Lord Thurlow said, that it appeared manifestly clear from the evidence of Colonel Popham, Lieutenant Birrell, Mr. Markham, and a variety of affidavits, that the populace were entirely unconcerned on the occasion. He would state it the more particularly, because a noble and learned Lord (Loughborough) had, on a former day, called the business a sudden affray, suddenly provoked by the insolence of a Chubdar, called Cheyt Ram. The circumstances were these, as appeared by all the evidence: After Mr. Markham had put Cheyt Sing under an arrest, the orders which he left with the commanding officer of the party, were unfortunately disregarded, and several persons who had commanded bodies of troops which accompanied Cheyt Sing to Buxar, were admitted to his presence. The officer early saw the dangerous consequence of his imprudence, and discovered at the same time that the two companies of sepoys which he commanded, had no ammunition. Intelligence was sent of this neglect to Colonel Popham, and at the same time considerable bodies of men were observed crossing the river in boats from Ramnagur to Shewallah. With the company, therefore, that went with a supply of ammunition, a message was sent from Mr. Hastings, which, Mr. Markham says, they were obliged to make a verbal message, because the durbar was broke up, and there was no moonshee to write a letter. The purport of this message was, that if a life were lost, Cheyt Sing should answer for it. Cheyt Ram, who was instructed to deliver this message, was an old man, near seventy years of age, who had always been employed both by Mr. Markham and his predecessor, in delivering messages to Cheyt Sing, in the same manner as a man of similar degree was employed in carrying messages from Cheyt Sing to Mr. Markham. Noble Lords would observe, that the message was couched in terms of menace—and necessarily so couched, for it was intended by that message not to provoke the tumult, but, if possible, to prevent it, by exciting Cheyt Sing's apprehensions for his own fate. This man accompanied the party that Lieutenant Birrell commanded, and being known, was permitted to pass on to the presence of the Rajah, where he delivered his message, as some affidavits say, passionately and violently; and it was very natural for the men who made those affidavits to conceive so, even though the Chubdar had merely delivered the message precisely as it was given to him. But whether he delivered it as the affidavits state it, whether, as Mr. Markham thinks, he did not step

beyond the commiſſion that was entruſted to him, it is proved, beyond all poſſibility of doubt, unleſs the Court conceive all the witneſſes to have been perjured, that the attack began from the Rajah's troops *without*, before Cheyt Ram had delivered the meſſage *within*. Lieutenant Birrell diſtinctly ſwears, that after his company appeared in front of Shewallah, they were inſtantly fired upon, and ſeveral were killed and wounded by the firſt diſcharge. This was the ſignal for the ſlaughter within. The juſt concluſion, then, from all the evidence was this, that as ſoon as Mr. Markham had quitted the Rajah, and his ſeveral commanders were imprudently admitted to his preſence, meaſures were taken for his reſcue. Four thouſand regular forces were collected in a ſhort time, and the reſcue was effected. His Lordſhip deſired noble Lords would attend to the next ſtep taken by Cheyt Sing. Meſſengers were ſent to Fyzabad, as appeared by Mr. Markham's evidence, to tell the Begum what had happened: this was on the 16th, and by the 21ſt of Auguſt, large bodies of troops were in motion in the road from Fyzabad, a circumſtance which, among many others, proved a previous concert between Cheyt Sing and the Begum.

It was clear, therefore, Lord Thurlow ſaid, that the reſcue was not occaſioned by the meſſage delivered by Cheyt Ram; that it was not the conſequence of a ſudden affray; that the populace were ignorant of all that was paſſing, ſince it is proved that no one inhabitant of Benares was a party to the affair. The next queſtion to conſider was, whether the arreſt was in itſelf ſo diſgraceful, as to drive the Rajah to reſiſtance, rather than ſubmit to ſuch an indignity? Here, his Lordſhip ſaid, they had the evidence of every gentleman examined, to prove that it was no more an indignity to him, than it would be to any other perſon. It was in proof that arreſts were common throughout the country, and the only mode of proceeding. In 1772, Mahomed Reza Cawn, the Naib of Bengal, was arreſted, and brought down a priſoner to Calcutta, by orders from the Court of Directors. In 1789, the Rajah of Burdwan, a man infinitely higher in rank than Cheyt Sing, was fined five thouſand rupees by Lord Cornwallis, for not obeying orders relative to the tranſmiſſion of ſome revenue papers to Calcutta; and on a delay in payment, he was ordered to be arreſted, and if he did not pay the money in twenty-four hours, to be ſent priſoner to Calcutta. It was clear, therefore, that unleſs Cheyt Sing had conceived himſelf ripe for reſiſtance, he would have ſubmitted to the arreſt, and by that means have prevented all the conſequences which he perſonally ſuffered by his diſobedience. As to the remaining part of this allegation, he ſhould not go particularly into it, until

he heard the fentiments of other noble Lords. Mr. Haftings was charged with criminality, in refufing, after the Rajah was in open rebellion, to liften to his propofals of accommodation. He prefumed, until he heard the contrary, that no noble Lord would think Mr. Haftings could have liftened to overtures, which all the teftimony plainly evinced were made with an intent to lull Mr. Haftings into temporary fecurity. To treat with him, appeared to his Lordfhip to be impoffible, and that was the general opinion. Mr. Haftings had wifely corrected, in the new arrangements, the miftakes of the former. He raifed the Company's rent to forty lacks of rupees—a fum which the country could well afford to pay, becaufe it paid it from the year 1782 to this day. He would not allow the new Rajah to retain forts nor a military force, and what Mr. Haftings left imperfect, Lord Cornwallis very wifely made completely perfect, by placing the Rajah on the footing of every Bengal Zemindar, and committing the entire government of the country to the Englifh refident.

His Lordfhip faid, that in the fettlement made with Cheyt Sing in 1775, there appeared to him to be a radical defect. The Rajah was placed fo near to independence, that the moment he conceived independence to be within his grafp, he naturally attempted to attain it. On reading the minutes of that day, Mr. Barwell appeared to him to fee the matter in its true point of view: he would either have made the Rajah completely independent, or have placed him entirely under the control of the Btitifh Government.

His Lordfhip faid, he was not aware that he had omitted to ftate any material point; but he trufted in their Lordfhips' indulgence for permiffion to intrude upon them again, if neceffary; and would now content himfelf with moving, "That the Commons had made good the firft article, in as far as it related to Mr. Haftings's preferring falfe and malicious charges againft Cheyt Sing, and arrefting his perfon."

The Earl of CAERNARVON faid, that if he had formed an erroneous judgement, he anxioufly wifhed to change his opinion; but nothing that he had yet heard had induced him to alter it; nor had any of the many obfervations which the noble and learned Lord had made, taken off the impreffion which the facts ftated in the charge had made on his mind. It had not been proved, to his conviction at leaft, that the delegation of the powers of the Governor General and Council to himfelf, alledged in the former part of the charge, was legal; or, admitting for a moment that it was a legal delegation, it had not been proved that the delegation had been made for any fuch ufe and purpofe as the defendant made of it, by

arresting Cheyt Sing, and treating him with all the indignity and rigour that he had compelled him to endure. The noble and learned Lord had stated various precedents of delegation of the powers of the Chief in office in India, and his Council to that Chief, but he utterly denied that there was the smallest analogy in any one of those precedente to the case in question. In the cases cited by the noble Lord of the delegation of the powers of the British Government in India to the Chief in office, they were every one of them delegations of power for the express purpose of enabling the Chief to perform a single, stated, and important act, with a view to the attainment of some one great and specific object. Taking it for granted, therefore, that the delegation of the powers to Mr. Hastings was legally made, let their Lordships look to the minute of the Board, entered on the consultations, to see for what express purpose it had been made. The minute stated, that the Governor General was invested with "full power and authority to form such arrangements with the Rajah of Benares, for the better government and management of his Zemindary, and to perform such acts for the improvement of the interest which the Company possesses in it, as he shall think fit and consonant to the mutual engagements subsisting between the Company and the Rajah."

His Lordship reasoned pointedly upon the terms of expression, and on the reasonable inference resulting from the whole of the minute. The word 'arrangements,' he contended, plainly implied that the Governor was to arrange such acts as he should think consonant to the mutual engagements subsisting between the Company and the Rajah, in an amicable way, and not to deal with him in the harsh and hostile manner which Mr. Hastings had taken upon himself to adopt. Having discussed this very fully, the Earl said, with regard to the other facts alledged as crimes and misdemeanors, whatever inconsistency there might be in the Commons having preferred the charge, while they enjoyed the benefits arising from the acts of Mr. Hastings, he was not now to consider. An accusation stated to be criminal was preferred by a body competent to prefer it; and it was his duty, as a judge, to consider whether the charge was proved or not, and to consider that only. He still thought that Mr. Hastings was actuated by motives of revenge in writing the letter that he did write to Cheyt Sing, and also in putting him under an arrest. He again referred to the defence of Mr. Hastings, where that gentleman said, that while he thought Cheyt Sing had him and not the Company for his object, a fine of forty or fifty lacks would, he conceived, be a sufficient punishment for his offence. He entered into a long argument, as to the legality of the

delegation, and said, that at all events Mr. Hastings was not empowered by that delegation to arrest the person of Cheyt Sing, for the purpose of exacting from him a fine of forty or fifty lacks; and again declared, that, in his opinion, Mr. Hastings had been induced to make that exaction from motives of private revenge and resentment.

Lord THURLOW rose and said, that, after having so fully explained to their Lordships that the passage quoted by the noble Lord was neither written by Mr. Hastings, nor even seen by him, until he heard it read in the House of Commons, he did not expect that any stress would be laid upon it. He wished, however, as the noble Lord did profess to quote it, he would quote it as it really stood. The passage did not run as the noble Lord had stated, but in the following words:—" So long as I conceived Cheyt Sing's misconduct and contumacy to have me rather than the Company for its object, or at least to be merely the effect of pernicious advice, or misguided folly, without any formal design of openly resisting our authority, or disclaiming our sovereignty, I looked upon a considerable fine as sufficient both for his immediate punishment, and for binding him to future good behaviour." Lord Thurlow said, he was sure that the noble Lord would have the candour and the justice to say, that this passage was very different indeed from his Lordship's statement of it.

Lord CAERNARVON admitted, that there was a difference, which, in the hurry of speaking, he had certainly omitted to state.

The Earl of MANSFIELD said, he wished that the present question had been divided into two subjects of discussion, to avoid the dilemma of determining on the guilt or innocence of a person who had obtained great advantages, which the Public had appropriated to itself, while they prosecuted the person for the act of procuring those advantages for them. In almost every point, he agreed most completely with the noble and learned Lord who, with so much ability, and so much to his own honour, had fully investigated the present charge. On a single point he had a doubt, though he confessed it was but a doubt; yet, standing as he did in the awful, and he would add, to him, the tremendous character of a judge, he deemed it his duty to state his feelings to their Lordships, and in as few words, considering the lateness of the hour, as he possibly could. He fully concurred with the noble and learned Lord in opinion, that the right of the British Government to demand military aid of Cheyt Sing, in war, was proved beyond a possibility of question. Indeed he was astonished that men of such talents as those who managed the impeachment, could have enter-

tained a doubt upon the subject. He was equally convinced, that there was not the slightest reason to doubt the right of the British Government to demand the assistance of a body of a cavalry from Cheyt Sing; and there was not any thing like a suspicion that could arise, he conceived, in the mind of any man, that in making and enforcing these demands, Mr. Hastings was actuated by malicious motives. Equally convinced was he that the conduct of Cheyt Sing was highly contumacious and refractory, and that it deserved punishment. "God forbid!" said his Lordship, "that I should lay the slightest stress upon any expressions in a defence, which, it is fully proved, Mr. Hastings never wrote, and the objectionable parts of which he never saw; however imprudent I may conceive Mr. Hastings to have been in presenting such a defence at the bar of the House of Commons. As to the arrest of Cheyt Sing, as a judge, I can see nothing criminal in the act; though, as a Statesman, I think it was rash, precipitate, and unwise, under all the circumstances of the case. Coupling the arrest with the purpose intended by it, namely, taking from him forty or fifty lacks of rupees, I much doubt whether the fine was not so heavy as to be deemed excessive. But when I consider that Mr. Hastings acted, as in my conscience I believe he did, from the purest motives—when, after the most careful and attentive examination of the evidence, I can find nothing that induces me to believe he was actuated by a corrupt or a malicious motive—when I consider the alarming state of India at that momentous period, surrounded as Mr. Hastings was by enemies, and in hourly expectation of the arrival of a powerful armament from France—when I reflect that, under Providence, he was the happy instrument of preserving that valuable empire to Great Britain, and that every measure he took had no other object than the preservation of the empire; I cannot bring myself to think that the mere mistake in the amount of the fine which ought to have been levied upon Cheyt Sing, is an act of criminality; and the more especially, as Mr. Hastings did not convert the money to his own use, but applied it to the pressing exigencies of the service of the British Government in India." An additional reason for his wishing that the arrest had been separated from the consideration of all that passed after the rebellion of the Rajah, his Lordship said, was because Mr. Hastings was clearly justified in the whole of his subsequent conduct by every principle of policy and prudence. In order to determine how far Mr. Hastings was warranted in dealing with Cheyt Sing, as he conceived Sujah Dowlah would have dealt with him under the same circumstances, or as any other absolute Prince would have dealt with his

dependent, as in the case of the failure of obedience due from a vassal to his liege Lord in feudal times; it was necessary, in the one instance, to examine and to ascertain what the principles of the feudal system were; and in the other, what were the known principles of the system of government practised under the absolute Princes of India, before their Lordships took upon them to decide, whether the punishment inflicted on Cheyt Sing was warranted by his disobedience and contumacy.

The history of India, his Lordship said, as far as he had made himself master of it, afforded abundant proof that fine and confinement were the usual modes of punishment adopted by the absolute Princes of that part of Asia, when their dependents had been guilty of disobedience and contumacy. The Earl said, to his surprise, it had been much insisted on in Westminster Hall, that Cheyt Sing was an independent sovereign Prince, or Lord: whereas it was clear beyond all question, that he was to all intents and purposes a dependent, first on Sujah Dowlah, and afterwards on the British Government in India, and consequently responsible to Mr. Hastings, in his character of Governor General, for the whole of his conduct. "On these considerations, therefore, and those I have before stated," said his Lordship, "I shall certainly concur with the noble and learned Lord in voting, that the Commons have not made good this part of the first article."

The LORD CHANCELLOR said, he would not go over the facts that constituted the charge again, having so fully done that last week; he would only make a few observations relative to the feelings, which, speaking as a judge, impressed his mind on the occasion. He said it was a known principle of English law, that every offender under the British Government ought to have his punishment measured *ad modum delicti*, and that the idea that a British Governor, amenable to the sovereignty of Great Britain, was justified in acting as an absolute and despotic sovereign Prince, was not to be tolerated. Mr. Hastings had no authority to act as a despotic sovereign, and it was evident from his own words, that he did not proceed to punish Cheyt Sing *ad modum delicti*, but *sub modo* Sujah Dowlah. He would not allow the instance of the obedience of a vassal to his liege Lord in feudal times to be quite parallel and strictly in point, and he conceived that if the motives of Mr. Hastings were to govern their Lordships, they were to look to Mr. Hastings's own avowal of the nature of his motives and principles. His Lordship added much other argument in support of the charge, in reply to what had fallen from Lord Thurlow and the Earl of Mansfield.

The Marquis of LANSDOWNE began a very ſtrong ſpeech, with declaring that much praiſe was due to their Lordſhips, for the calm, deliberate, and grave manner in which they had taken up the buſineſs, and proceeded to go through the charges. Such conduct, in his mind, did the Houſe the higheſt honour. He ridiculed the pretenſions to rank, reſpect, and royalty ſet up for Cheyt Sing. Having heard ſo much of his importance, he had been at ſome trouble to aſcertain who that great man was, and in conſequence of his reſearches, he was enabled to declare, that Cheyt Sing had no line of anceſtry to be proud of, no honourable lineage to boaſt; his grandfather was an adventurer of ſome parts, who made his way by dint of ability and intrigue, as moſt adventurers do, and by thoſe means he got poſſeſſion of Benares, and ouſted the former holder of the diſtricts and revenues belonging to it; his ſon, Belwant Sing, who ſucceeded him, had not equal parts (for it does not always happen that a ſon inherits his father's ſenſe and talents,) was another intriguer; and his grandſon, Cheyt Sing, a third intriguer. Each threw off the rightful ſovereign, and the laſt would have intrigued for that purpoſe, probably with the Eaſt-India Company, and to the ſame effect, if Mr. Haſtings had not prudently checked his ambition. When he heard the abuſe that had been thrown on Mr. Haſtings, and ſaw him, like Sir Walter Raleigh, compared to a ſpider of Hell, he was not only anxious to know the extent of his conduct, under all the circumſtances of the time that he was Governor General of India, and particularly what the authority and powers were under which he acted. With this latter view, he had inquired for Mr. Haſtings's commiſſion, and was aſtoniſhed when he found it to be ſo extremely ſhort and comprehenſive. Seeing that, he aſked for his inſtructions, for every one of their Lordſhips who had been in office, well knew that when a new Governor was ſent out to any of His Majeſty's American colonies, or Britiſh dependencies abroad, it was not only uſual to give him a long commiſſion deſcribing his powers, but to accompany it with a ſet of inſtructions, in order to provide, as much as poſſible, for the objects in contemplation of His Majeſty's Miniſters at the time. Was that the caſe with Mr. Haſtings? Nothing like it. He held his commiſſion in his hand, the Marquis ſaid, and he would read it to their Lordſhips. It was but ſhort. The purport of it was, that the Directors of the Eaſt-India Company appointed Warren Haſtings, Eſq. Governor General of all their poſſeſſions in India, and inveſted him with the whole government civil and military. With reſpect to inſtructions, Mr. Haſtings did not carry out a ſingle line. His commiſſion was his ſole authority;

and would any man, after hearing what he had just stated, venture to assert that Mr. Hastings, as Governor General of India, was not to be considered as an absolute Sovereign Prince in India? He was so to all intents and purposes, and it would have been absurd to have expected any good to result from his government, if he were viewed in any other light.

The Marquis instanced the services of Lord Cornwallis, and said, great and important as those services were, the noble Lord could not have atchieved them, if he had not been allowed to exert absolute power. He was aware that he possessed, and he had exercised it in various instances much to his own honour, and the advantage of the Company, and the British interests in India. On the other hand, he thought, what Mr. Hastings perhaps would not be pleased to hear, that he did not stand entitled to have his conduct tried by the principles of English justice. If it had been practicable, he ought to have Mahomedan judges and a Mahomedan jury. It was not possible that British judges and British jurors could be competent to decide on conduct arising out of circumstances so new to British ears, so irreconcileable to British customs; the genius of the Government being free and liberal, all practices under it were necessarily governed by the same principles of freedom and liberality. Not so the conduct of arbitrary Sovereigns; the minds of their subjects being familiar with the sight of unlimited power in daily exercise, they complained not of injustice, and suffered without a murmur, when they were conscious they only suffered one day, what might be the lot of their neighbours the next. From this view of despotism, and the conduct of despotic Princes, the Marquis said, he considered it as downright nonsense to talk of applying the precepts of the Christian religion, and the principles of English government, to subjects accustomed to live under Mahomedan laws, Mahomedan customs, and the system of oppression practised under the government of absolute Princes.

The great, and indeed only, questions in the case of Mr. Hastings ought to be these:—Had he governed India to the satisfaction of the people? and had he improved the interest which his native country had in those distant possessions? These would have been the only questions which the late King of Prussia, the greatest and wisest man of the age, would have asked Mr. Hastings, if he had possessed so rich a dominion and so meritorious a servant. That able statesman and profound politician would have dealt with a person holding and exercising a distant government of great importance and authority in this way. He would have looked to the general result of his Governor's conduct. He would have said, " I sent you to

rule over an extenfive territory, peopled with thirty millions of fubjects. I entrufted you with five millions of revenue for the fupport of your government, and I gave you unlimited powers. Have you abufed thofe powers; have you embezzled the revenues entrufted to your management? have you injured the fubjects put under your protection? or have you diminifhed the extent of my territories?" Had fuch queftions been put to Mr. Haftings, what would have been the anfwer?

The anfwer their Lordfhips well knew, becaufe it was the language of truth:—"I came to the government, when its refources fcarcely exceeded three millions a year.—When I left it, they were increafed to five millions five hundred thoufand pounds a year. I enlarged your dominions, and I left the people happy and contented, and pleafed with my conduct." The King of Pruffia, fatisfied with fuch an anfwer, would have inquired no farther. He would not have defcended to inquire into the minutiæ of his government, to be laborioufly employed in tracing out every peccadillo and miftake arifing from error of judgement; he would not have been trying his Governor for years together after his return home, in order to difcover fome pitiful drawback from fervices the moft meritorious and ufeful to his country. He would have acknowledged that Mr. Haftings had made a beneficial ufe of the abfolute power lodged in his hands. The Marquis trufted, that no perfon would conftrue what he had faid, as intending to caft a reflection on the Houfe of Commons for preferring the accufation. Their motives were perfectly pure he was convinced. He concluded by declaring, that he fhould not finally vote, yet he had examined the charge with the clofeft attention; he was fatisfied, that inftead of malicioufly perfecuting and eagerly oppreffing Cheyt Sing, Mr. Haftings had manifefted patience and forbearance even to a blameable degree, and was convinced in his confcience that Mr. Haftings ought to be acquitted of every part of the charge.

The Bifhop of ROCHESTER faid, that when he confidered the accufation preferred againft Mr. Haftings, which was of the moft grave and important nature, he could not, confiftently with what he thought due to the character in which he fat in the Houfe, content himfelf by giving a filent vote, the more fo, as, after the fulleft examination of it, he fhould vote for the entire acquittal of Mr. Haftings. His Lordfhip faid, he could not agree with the noble Marquis that it was of any confequence to the merits of the caufe, whether Cheyt Sing could boaft of a long line of anceftry or not. Be he of ever fo obfcure origin, he was entitled to juftice as an individual, as much as any other man ftanding in the fame rela-

tion to the British Government in India. Neither could he concur with the noble Marquis's idea, that Mr. Hastings ought to be tried by Mahomedan judges and a Mahomedan jury. A British subject was entitled by British laws, to be tried by a British jury and British judges, acting upon the principles of justice, recognized and established under the British Constitution. Mr. Hastings had been tried by the highest Court in the kingdom, and he had no doubt but the Court would continue to proceed with that temper, impartiality, and fairness, which had on all occasions so eminently distinguished its character.

The Bishop proceeded to a very minute and accurate examination of the facts alledged in the charge as crimes. He began this head of his speecn with observing upon the tenure under which Cheyt Sing held his Zemindary, and the duties that were imposed upon him. He proved, by a reference to the evidence, that he had violated all the conditions of his tenure, and said it was clearly made out, that he had invariably shewn himself a disloyal and disaffected subject—that he had actually forfeited his Zemindary, and that, in point of fact, if Mr. Hastings were censurable at all, it was for a foolish partiality to Cheyt Sing, which led him to pay too little attention to the complaints, which, for a series of years, had been made to him against Cheyt Sing. It was not possible, he said, to impute a criminal intention to Mr. Hastings; and thinking, as his Lordship said he did, that the Zemindary was forfeited, it was impossible for him to condemn that gentleman for intending to impose a heavy fine upon him for his manifold delinquencies. The Bishop declared, that he never would impute criminal intentions to any man, but where the fact, as in the case of murder, was *malum per se*.

His Lordship concluded by declaring that he should vote against the motion.

The question was then put, and the *Not-Contents* were declared to have it.

Wednesday, 11th March.

The Earl of GUILFORD gave notice, that on Monday se'nnight he should move their Lordships for a Committee to inquire into the State of the Nation, and he now moved that their Lordships be summoned for that day. Ordered.

Friday, 13th March.

The order of the day being read, that the bill for raising a loan of eighteen millions be read a second time,

The Earl of LAUDERDALE ſaid, that it was underſtood, that the loan propoſed to be granted to the Emperor ſhould be diſcuſſed at the ſame time as the loan for Great Britain. Their Lordſhips were well aware, that the ſpeculation of this Auſtrian loan had given riſe to much gambling. It was therefore proper, that it ſhould be as ſpeedily as poſſible aſcertained, whether this loan was to take place or not? It had been held out, that, without granting a pecuniary aſſiſtance to the Emperor, we would not be able to open the next campaign with brilliancy or effect. It was therefore of conſequence to know whether we were, indeed, to have the advantage of his co-operation. In this critical ſituation of the country, when one misfortune was treading upon the heels of another, and when every day added ſomething to the gloomineſs of the proſpect, it was material to know what was our ground of hope from freſh meaſures, and what was the quarter on which we could depend for aſſiſtance. This being the caſe, he ſhould take the liberty to aſk the noble Secretary, whom he ſaw in his place, whether or not the loan was to be granted to the Emperor, and whether we had ſufficient foundation to expect the benefit of his co-operation in the next campaign?

Lord GRENVILLE ſaid, that formerly the loan had come before the Houſe in conſequence of a meſſage from His Majeſty. In that meſſage His Majeſty informed them, that as ſoon as the arrangements with the Emperor were finally ſettled, he ſhould take the earlieſt opportunity of communicating them to the Houſe. That communication he had not yet been authoriſed to make, and in this ſituation he did not conceive himſelf bound to reply farther to the queſtions of the noble Lord.

The Earl of LAUDERDALE ſaid that from this he was to underſtand that the arrangements with the Emperor were not yet finally ſettled. This being the caſe, he called upon the Houſe and the Public to reflect in what ſituation the country was placed, when at a period ſo near the commencement of the campaign, we were ignorant whether we were to have any co-operation or aſſiſtance in the preſent calamitous war, or what were the means by which we were to carry it on.

The Loan Bill was read a ſecond time.

On the queſtion, that the Wine Duty Bill be read a ſecond time,

The Earl of LAUDERDALE ſaid, that this bill carried with it a certain degree of injuſtice, which he found it his duty to oppoſe—this bill had on the community the effect of an *ex poſt facto* law, which operated very ſeverely both on the merchants and purchaſers of that commodity; the duty on wine ought not to take place until

after the royal assent was given to the bill, as was the case with respect to tea, coffee, &c.—but here the people were taken by surprise, and the additional duty imposed a considerable time previous to the passing of the bill. It was a well-known fact, that considerable quantities of wine were bought previous to the 23d of February: the price was settled and agreed for, and perhaps paid, but owing to the severity of the weather it became impossible to remove it from the licensed cellars; it would therefore become a subject of litigation between the sellers and the purchasers which of them was to pay the additional duty. It was not politic, he maintained, in the present critical state of the nation, to irritate the subjects on whom they were obliged to lay heavy burdens; nor did he think that the gains would compensate for the dissatisfaction it would create. There was, the noble Earl observed, besides this, another inconvenience attending the unusual period of imposing this additional duty, viz. that many private individuals had purchased a single pipe of wine for their own consumption, which, though paid for, they were obliged to keep at the merchant's cellar, as their own was not adapted for the reception of it: it was therefore taking a mean and pitiful advantage of those private individuals to subject them to the effect of such an *ex post facto* law. His Lordship observed, that the session was not so far advanced that their Lordships might not, if they chose so to do, add an amendment, which would afford the Commons an opportunity to bring in a new bill without the exceptionable clause.

Lord GRENVILLE said, that every proper method had been taken to give the dealers the necessary information, taking care, however, to guard against exciting an extraordinary demand for the wine, as that would have defeated the object of the bill; and therefore, though he approved much of what the noble Earl said, still he must beg leave to differ with him in the main point. The Merchants, he said, had it in their power to demand the additional duty, and he knew not who had a better right to pay it than the consumers.

The bill was read a second time and committed, together with the other revenue bills.

The House being resolved into a Committee on the impeachment of Warren Hastings, Esq. Lord Walsingham in the chair,

Lord THURLOW rose to open the next article of the allegation in the Benares article, which was, that after the expulsion of Cheyt Sing, Mr. Hastings caused the castle of Bidjygur, the residence of Pauna, to be besieged, though she and the women had had no concern in the supposed rebellion; that he never inquired whether the treasures contained in Bidjygur were the property of the women or

Cheyt Sing; that he ſtimulated the army to rapine and outrage, by the wicked orders he iſſued, and that the women were ultimately plundered in conſequence of thoſe orders.

His Lordſhip ſaid, he would not ſtop to notice the ſtrange mode in which the article was worded; the blunder of calling the ſtrongeſt fortreſs in Hindoſtan after Gualior, a caſtle; the aſſertion that it was the reſidence of Pauna and her attendants: Their Lordſhips all knew that it was, in fact, the ſtrong hold of Cheyt Sing, and the place where he kept all his treaſures. They knew that until that fortreſs was captured, the war could not be ſaid to be at end. It was in evidence that Cheyt Sing retired with his women from Pateeta to Bidjygur, and unwilling to ſtand a ſiege himſelf, had quitted the fortreſs, carrying with him as much of his treaſure as he could convey away, and leaving only what he could not carry off, with a garriſon of ſeven hundred men in the fort, and his mother, and many of the women of his family. It was in evidence alſo, that as ſoon as Mr. Haſtings heard of his flight, and that he had left his women in the fortreſs, he earneſtly recommended to Major Popham to treat Pauna, the mother of Cheyt Sing, with the utmoſt tenderneſs and attention, to which Mr. Haſtings obſerves, ſhe was entitled by her ſex, her rank, and the ſtation ſhe had filled, and ſtill more by her misfortunes.

The queſtion for their Lordſhips' conſideration would be, whether any circumſtance in the ſubſequent letters of Mr. Haſtings recommended, or authoriſed, or ordered, a different mode of proceeding to this lady. The evidence he would endeavour to ſtate with the utmoſt correctneſs. After the ſiege of Bidjygur had continued for almoſt a month, the evidence begins by a private letter from Mr. Haſtings to Major Popham, which is an anſwer to one from the Major to him, which does not appear. By the anſwer it is clear, however, that the Rannee had made a propoſal to retire from the fort on the conditions which Mr. Haſtings thought unreaſonable; and that, by the mode propoſed, ſhe might contrive to defraud the captors of a conſiderable part of the booty or reward to which he thought they were ſo well entitled. Mr. Haſtings ſays he can make no objection; that Major Popham muſt be the beſt judge, and that he will certainly ratify any thing Major Popham has engaged for; but he poſitively declares that he never will allow her to hold any land or authority in the Zemindary, without being ſubject to the authority of the Zemindar. This letter is dated the 22d of October 1781.

In a ſecond letter, dated the 3d of November, Mr. Haſtings expreſſes his readineſs to comply with all the conditions on which

Pauna had agreed to ſurrender the fort; that is, ſhe had preferred certain conditions herſelf, to which Mr. Haſtings fully conſents; but adds, that if, after he has conſented to her own propoſal, ſhe does not give up the fort in twenty-four hours, he ſhall conſider her refuſal as a wanton affront; that he will then grant her no conditions, but leave her expoſed to thoſe dangers which ſhe chuſes to riſque, rather than truſt to the generoſity and clemency of the Engliſh government. If ſhe complies, ſays Mr. Haſtings to Major Popham, it will be your part to ſecure the fort and the property it contains for the benefit of yourſelf and detachment.

Lord Thurlow ſaid, that he believed there was not one ſyllable in theſe letters which was intended to produce, or which could poſſibly produce, the effect ſtated in the article.

It was impoſſible that theſe private letters to Major Popham could have ſtimulated the army to rapine or outrage, for the contents of them never were communicated to the army: The firſt contained an opinion, that the officers and ſoldiers compoſing the beſieging army were entitled to the treaſures which were in Bidjygur; the latter repeated the ſame opinion.

It was alſo impoſſible, that when the fort was ſurrendered, Pauna, her relations, and dependents, ſhould have been plundered in conſequence of the ſpirit of rapacity excited by the orders of Mr. Haſtings, becauſe it was proved in evidence, by Major Popham, that the accident happened owing to an outpoſt not having been withdrawn agreeably to his orders. Mr. Haſtings is next accuſed of endeavouring, by various artifices and devices, to retract his own declaration and permiſſion to the army to ſhare the plunder, and to recover the ſpoil which they had divided. Failing in that, he attempted to obtain it as a loan, of which being alſo diſappointed, he was altogether fruſtrated as to the attainment of the object of his journey to Benares.

Lord Thurlow ſaid, he was utterly at a loſs how to treat this part of the charge as a crime; but as there certainly appeared to be ſomething exceedingly ſhabby and unbecoming a great character in ſuch a mode of proceeding, he thought it but right to lay the whole evidence before their Lordſhips, for their conſideration.

Bidjygur ſurrendered on the 10th, after a breach was made, which the ſpringing of a mine would very ſoon have rendered practicable. Immediate notice was ſent to Mr. Haſtings of the ſurrender. It does not appear that any letter was written to Mr. Haſtings on the 11th; on the 12th there was a letter from Major Popham to Mr. Haſtings, but without any mention of the diviſion of the plunder. Captain Calcraft, aid-de-camp to Major Popham,

was deputed to Mr. Haſtings, and confeſſed to him that the diviſion of the plunder had been made. That gentleman told their Lordſhips what paſſed between him and Mr. Haſtings; the diſpleaſure expreſſed by Mr. Haſtings, at the diviſion having been made ſo ſuddenly, and without authority; his poſitive denial that the letters to Major Popham were meant to be or could be conſtrued as an order: But it does not appear that Mr. Haſtings ever entertained the notion of retracting his opinion, which uniformly was, that the officers had a right to the booty, and that he would exert himſelf to obtain it for them legally and ſecurely. My Lords, ſaid Lord Thurlow, the officers themſelves do not quote the two letters in queſtion as orders, after they came to the knowledge of them.—They ſay, that the opinion of Mr. Haſtings, ſo fully correſponding with their own, induced them to make an immediate diviſion. Mr. Haſtings in his anſwer explains himſelf moſt clearly: He ſays, that even if the amount had been uncommonly great, he ſhould have hoped the Company might have had the immediate benefit of it, in their preſſing exigences, the property being ſecured by bonds to the captors; if a moderate ſum, he would himſelf have authoriſed the diſtribution; and had he in any event thought it right to apply to the Board, he would himſelf have adviſed the gift. Mr. Haſtings adds, that if Major Popham conceived his private letters to contain the ſanction which he attributes to them, he is ſorry that he did not avail himſelf of his entire knowledge of Mr. Haſtings's private ſentiments. He deſires Major Popham to ſend him copies of all thoſe letters, and particularly one of the 10th of November, written by Major Palmer, his Secretary, which comprizes his opinions and wiſhes in the fulleſt and moſt poſitive terms. Though Major (now Colonel) Popham was croſs-examined at conſiderable length by the Managers, yet it is very ſingular that they never did aſk him any queſtions relative to this very particular letter of Mr. Haſtings. The Managers had the power, if they choſe to uſe it, of removing every doubt from the ſubject: As the evidence ſtood, it was moſt clear, that at every period Mr. Haſtings contended for the right of the army to the Bidjygur prize-money; but denied that they were authoriſed by him to ſeize their right, without firſt applying to him; and it is equally clear that the officers do not ſtate the letters which are called orders in the charge, higher than opinions, which entirely coincided with their own.

From this review of the evidence, and the reflections which appeared to him to ariſe from it, their Lordſhips would determine whether Mr. Haſtings had acted that ſhabby part which the Managers imputed to him. He thought it no more than juſtice to a man

who filled so elevated a rank in life, to state the facts fairly, though in truth what the Managers had charged did not amount to a crime. It was next alledged against Mr. Hastings, that he acted against his own declared and recorded opinions, which were, that the very idea of prize money was destruction to the army, and ought to be avoided like poison. Their Lordships would find this also a charge not amounting to a crime; but it would be fair to state to them what appeared in the evidence, and what carried conviction to his mind, that the case, in which Mr. Hastings used the expression alluded to, was so exceedingly different from that of Bidjygur, as to make it impossible to charge him with inconsistency.

It was an historical fact, that when Cossim Ally Cawn was driven out of Bengal by the British army in 1763, they were acting as auxiliaries to Meer Jaffier, who was exceedingly liberal in his promises to the British troops, assuring them, and using, most unfortunately, a figurative expression, after the manner of the Orientalists, that when they had totally defeated and expelled Cossim, he would fill the cartouch-box of every sepoy with rupees. This promise never was performed; and the army was, in consequence of the non-performance, in a most dangerous state of mutiny for seven months, until, by very spirited exertions, the evil was quelled.

In the year 1774, the British army was acting as auxiliaries to Sujah Dowlah, in the Rohilla war. The Rohillas were defeated in a general action on the 23d of April; the battle was entirely gained by the English, who marched in pursuit through the enemy's camp, which was plundered by a body of Sujah Dowlah's horse that had not been in the engagement. This naturally occasioned some ill humour in the army, and in the progress of the campaign some of the officers claimed a right to take what should be found in Peelabeet, an open defenceless town. On an application on the subject from the Commander in Chief to Mr. Hastings, that gentleman gives the orders which are quoted in evidence by the Managers, as contradicting—which they certainly do not in the smallest degree—the sentiments that Mr. Hastings held in 1781. The substance is, that the British army was acting as a stipendiary army, in a service by which the state of Bengal was to receive considerable benefit; that under no circumstances could they be entitled to plunder, except in a fortress or camp taken by storm; that Sujah Dowlah's reasoning was unanswerable. How could he discharge his engagements with the Company, if every thing in the Rohilla country became the property of the British army?

At Bidjygur the case was totally different; the Company's was the principal, not the auxiliary force; and consequently the same

reasoning would not apply in the smallest degree. Lord Thurlow professed that he did not see so much irregularity in the mode of proceeding adopted by the Officers. The place itself must have fallen in a very few days; and, to avoid the dreadful consequences of a storm, Pauna was induced to surrender the fort, on condition of receiving 15 per cent. on the amount of the treasures in the fort; and Colonel Popham readily granted her those conditions. If, under such circumstances, the fortress was not to be deemed, with respect to plunder, a fortress taken by storm, and if it should be a prevalent idea, that nothing could justify plunder, but the actual capture of a fortress by storm, he was much afraid that no fortress in future would be permitted to surrender. On all grounds, Lord Thurlow said, it was most apparent, that Mr. Hastings was clearly with the officers in the question of their right to the property found in Bidjygur according to usage; and the only point in dispute was, whether they were justified in exercising that right themselves, under the two passages in the private letters from Mr. Hastings to Colonel Popham.

As to all the remaining parts of this charge, he imagined their Lordships would all be of opinion that they had not been made good. It must have been owing to carelessness that Mr. Hastings was criminally charged for raising the public revenue from two hundred and thirty to four hundred thousand pounds a year. He had already said, that that additional revenue had been regularly paid from the time it was settled by Mr. Hastings to the present day. The remaining allegations were equally unimportant, in his mind; but he would sit down without moving any question until he heard the sentiments of other noble Lords; for he was seriously anxious to go into the fullest discussion of every point on which there could be the slightest difference of opinion amongst their Lordships.

The LORD CHANCELLOR said, he had no objection to the taking the whole of the residue of the charge on one question, because undoubtedly the plunder of the soldiery on the taking of the fort of Bidjygur was the main fact alledged in the residue of the charge; but he could not help differing materially with the noble and learned Lord, as to his reasoning upon that fact, and all the circumstances of the case. He would put wholly out of the question all consideration of the sex of the Rannee, because, though arguments might be drawn from it, calculated to add to the colouring, and heighten and aggravate the extent of the charge, they were rather to be regarded as an appeal to the passions of their Lordships than to their judgment. With regard to the law of plunder, it was in itself an indefinite term; he conceived that nothing could properly

be deemed plunder, that had not undergone a legal adjudication. Nobody would contend that an army might spread itself over a country and seize upon every species of property it met with, because that would not only prove a total want of discipline, but tend evidently to the ruin of the army itself. A soldier so possessing himself of the property of another, would not only in the eye of the law be individually responsible to the owner, but would be guilty of a criminal act. That, however, did not immediately apply to the conduct of Mr. Hastings, in respect to the charge under the consideration of the Committee, upon which, speaking as a judge, he could not avoid saying, he was impressed with a very different opinion from that stated by the noble and learned Lord.—He thought the conduct of Mr. Hastings, throughout the transaction, highly unjustifiable; and he rested that sentiment on the proof afforded by the two letters, that of the 22d of October, and that of November the 3d, from which the noble and learned Lord had drawn conclusions so extremely favourable to Mr. Hastings. His Lordship read the essential part of the letter of October 22, 1781, as follows: "I am this instant favoured with yours of yesterday. Mine of the same date has before this time acquainted you with my resolutions and sentiments respecting the Rannee (the mother of the Rajah Cheyt Sing). I think every demand she has made to you, except that of safety and respect for her person, is unreasonable. If the reports brought to me are true, your rejecting her offers, or any negociations with her, would soon obtain you possession of the fort upon your own terms. I apprehend that she will contrive to defraud the captors of a considerable part of the booty, by being suffered to depart without examination: *but this is your consideration, and not mine.* I should be very sorry that your officers and soldiers lost any part of the reward to which they are so well entitled; but I cannot make any objections, as you must be the best judge of the expediency of the promised indulgence to the Rannee. What you have engaged for I will certainly ratify," &c. His Lordship proceeded to comment, with great pointedness, on the language and terms of this letter, and reprehended every one of the strong passages, especially that in which Mr. Hastings, after expressing his apprehensions of the Rannee's contriving "to defraud the captors of a considerable part of the booty, by being suffered to retire without examination," says—"*but this is your consideration, and not mine.*" So far from this being proper language and advice for Mr. Hastings to hold, he contended, that it was a gross neglect and omission of his duty; and, coupled with the next sentence—"I should be sorry that your officers and soldiers should lose any part of the reward to which they are so

well entitled," amounted not merely to a licence, but held out an encouragement to plunder. Having emphatically pressed his remarks on these parts of the letter of October, his Lordship adverted to that of November, and observed upon it with equal severity of construction. The letter of November 3, 1781, was as follows: "I am willing to grant her now the same conditions to which I at first consented; provided that she delivers into your possession, within twenty-four hours from the time of receiving your message, the fort of Bidjygur, with the treasure and effects lodged therein by Cheyt Sing, or any of his adherents, with the reserve only, as above mentioned, of such articles as you shall think necessary to her sex and condition; or as you shall be disposed of yourself to indulge her with. If she complies, as I expect she will, it will be your part to secure the fort, and the property it contains, for the benefit of yourself and detachment. I have only farther to request that you will grant an escort, if Pauna should require it, to conduct her here, or wherever she may choose to retire to: But should she refuse to execute the promise she has made, or delay it beyond the term of twenty-four hours, it is my positive injunction, that you immediately put a stop to any farther intercourse or negociation with her, and on no pretext renew it. If she disappoints or trifles with me, after I have subjected my Duan to the disgrace of returning ineffectually, and of course myself to discredit, I shall consider it as a wanton affront and indignity which I can never forgive; nor will I grant her any conditions whatever, but leave her exposed to those dangers which she has chosen to risque, rather than trust to the clemency and generosity of our Government. I think she cannot be ignorant of these consequences, and will not venture to incur them; and it is for this reason I place a dependence on her offers, and have consented to send my Duan to her." His Lordship contended that nothing could be more tyrannical, arbitrary, and oppressive, than the style and terms of this letter; it was such as a British Governor could scarcely be warranted in having written on almost any occasion that could possibly have occurred; least of all could it, in his mind, be justified under the peculiar circumstances of the case in question. As to the subsequent attempt to make the officers and soldiers refund the plunder which they had been thus encouraged to take, and to pay it on the footing of a loan, his Lordship conceived it was rather to be treated as matter of ridicule than of serious argument. Their Lordships all pretty well knew how difficult it was to get any body to refund—especially a victorious soldiery. In the instance in question, what had been the answers?—One officer said, "I should have no objection; but you must ask my creditors.—I was in debt, and

I have applied my ſhare of the money to diſcharge my debts." Another declared "he never had before an opportunity to make his fortune. He had made his fortune then, and they might get the money from him if they could." And ſuch were the ſort of anſwers given, and the only ſort of anſwers that were to be expected; conſequently the attempt to get back the money failed altogether.—With regard to other parts of the charge, the Lord Chancellor ſaid, he had differed from the noble Lord before, and he ſtill retained the ſentiments he had ſtated on that ſubject to the Committee; he therefore thought the conduct of Mr. Haſtings, as alledged in that part of the firſt article, did amount to a high miſdemeanor, and he ſhould give his vote for the queſtion, "That the Commons had made good the charges contained in the reſidue of the firſt article."

Lord THURLOW, in reply, ſaid, that the noble and learned Lord had miſtaken his ſtatement. The firſt letter to Major Popham contained an opinion as to the beſt mode of getting poſſeſſion of the fort, but poſitively refuſing to allow Pauna to execute independent authority in the Zemindary of Benares. The ſecond contained an unqualified aſſent to all the propoſitions made by Pauna, on the ſurrender of the fort. It was abſolutely impoſſible that Mr. Haſtings could be ſuppoſed to intend either to excite the army to rapine or outrage, by any ſentiments contained in thoſe letters.

The LORD CHANCELLOR again roſe, and ſaid he had no objection to the learned Lord's putting all that remained of this article into one queſtion.

Lord THURLOW then moved, that the Commons had made good the ten remaining allegations in the firſt article; which was negatived: And having gone completely through the article, Lord Walſingham, as Chairman, reported progreſs, and the Committee was appointed to ſit again on Monday the 16th inſtant.

Saturday, 14th March.

The Wine-duty bill, the bill for granting an additional duty on foreign and home ſpirits, the bill for granting ditto on tea, coffee, and cocoa nuts, the bill for raiſing 18,000,000l. ſterling on annuities, the Dutch Letter bill, &c. were read a third time, and paſſed.

Monday, 16th March.

The Royal aſſent was given by commiſſion to the bills impoſing additional duties on wines, and on foreign and Britiſh ſpirits, and about ten other bills.

The Commissioners were, the Archbishop of York, the Lord Chancellor, and the Earl of Mansfield.

When the order of the day for going into a Committee on the impeachment of Warren Hastings, Esq. was read,

The Duke of NORFOLK rose, and said, that previous to the House going into the Committee, he wished to notice the proceedings that had already taken place; his Grace in some measure censured the mode that had been adopted of putting the question upon every individual article of each charge, and dividing upon it: The decision thus given, went abroad as the verdict of the House upon the charge thus discussed; but his Grace thought, that the Peers should each in their individual capacity, as judges in this trial, give their verdict of Guilty or Not Guilty, upon each charge of the impeachment as presented at their bar by the Commons of England. Therefore, as he understood that the first charge had already received that deliberation and decision in the Committee to which he alluded, and that the Committee were now going to the consideration of the second charge of the impeachment, he thought it proper to suggest the above mode of decision, and made a motion to that effect.

This being objected to by Lord Thurlow, and his reasons for objecting to it stated, the Duke withdrew his motion, and then moved, "That the Committee of the whole House be directed to report to the House their proceedings upon the first article of the impeachment against Warren Hastings, Esq."

Lord THURLOW in reply said, that if the noble Duke had been present at the commencement of the consideration of the mode of proceeding proper for the House to adopt, as well for its own convenience as for the better securing the ends of substantial justice, he would have heard the mode of proceeding fit to be adopted, deliberated upon with great coolness and temper, and known that the result had been a determination, that a Committee should take the several charges separately into their consideration, and come to decisions on such questions as they should deem proper and applicable, and that the House should afterwards have a free and full opportunity of discussing the whole of their resolutions, and the grounds on which they stood, previous to their proceeding to Westminster Hall to pass judgment. With regard to himself, his Lordship said, he had been perfectly indifferent, what the mode of proceeding should be; but a Committee having been appointed, in the manner that he had stated, he thought their Lordships had better, for the present, leave the business in the hands of that Committee. His Lordship spoke of the absolute necessity of those who were to give a verdict on any charge of a criminal nature, previously to consult together, for

the purpose of forming that verdict: And still more necessary was it, where there was a great number of judges to give a verdict upon charges so multifarious as those, which were to be found in the articles of the impeachment. He put the case of a man indicted for perjury and forgery in one indictment, and asked if some consultation was not absolutely necessary on the part of those who were to give the verdict, previous to their going into Court to deliver it?

It would, he said, be impossible for the House to determine on the mode proposed by the noble Duke at present, because the House was not in possession of the particulars that had transpired in the Committee; a great deal of light had there been thrown upon the subject: But till a report from the Committee was made to the House, it would be presumptuous to give a verdict; he agreed, however, that when the charges had been gone through in the Committee and the report made, then the mode, as proposed by the noble Duke, was the most proper to pursue.

The Duke of NORFOLK said, he was by no means convinced by what had fallen from the noble and learned Lord. He admitted that a previous consultation among those who were to deliver a verdict, was in almost all cases necessary, but he thought his motion would tend to render the proceedings more clear and perspicuous. The Duke said, that what he meant to impress upon the House as his opinion was, that they should give their verdict upon the different charges in the same manner as if they attached to different and distinct persons, and for that reason he had made his motion; but upon the observation of the noble and learned Lord, he now found that it would have been more consistent with the forms of debate to have let the House go into a Committee, and then have moved that the Chairman report progress; however, as it was understood that the Committee were to go into the second charge of the impeachment, and he wished the House to discuss the first, he trusted that the seeming irregularity of his moving for the report now would not be deemed irrelevant. His Grace persisted in his motion.

Lord THURLOW said, that this motion went to discharge the Committee, and take the business out of their hands.

The question was put, and the *Not-contents* had it.

The House then resolved itself into a Committee, Lord Walsingham in the Chair; when

Lord THURLOW addressed their Lordships on the matter contained in the second article. He said, that he should wait until he heard the sentiments of other noble Lords, before he proposed to put only a single question upon this article, which, in his own opinion, would be sufficient. If any Lords should desire to divide it

into parts, he would propofe as many feparate queftions as there fhould appear to be doubts as to the innocence of Mr. Haftings. In his view of the fubject, there were but three points to be confidered in this article:—The propriety of Mr. Haftings's conduct, firft in affenting to the Nabob's propofition for refuming the Jaghires, and afterwards, for ufing a degree of compulfion to induce him to adopt that falutary meafure: Secondly, his confent to the refumption of the treafures of his mother: And thirdly, his difobedience of (what the charge calls) the orders of the Directors, in not making a full inquiry into the fact of the Begums' rebellion. Thefe were the three points, according to his idea, on which the charge turned, in fo far as there was any evidence produced that affected Mr. Haftings. The fuppofed treaty with the elder Begum he fhould pafs over, becaufe it was clear from the evidence, that neither the Board nor Mr. Haftings had authorifed Mr. Middleton to conclude any treaty with her. The hardfhips and diftreffes which had been twice fuftained by the women in the Khord Mohul, he fhould alfo pafs over; fince it was perfectly clear to him from the evidence, that when the humanity of an Englifh officer induced him to relieve them, the Nabob wrote a very angry letter to him, for prefuming to interfere in the manner he did. He fhould alfo pafs over the allegation of the horrid and cruel methods practifed to compel the eunuchs to difcover the treafures of the Begum.

There was no proof that any fuch means had been made ufe of; but here again, Mr. Haftings neither authorifed nor advifed horrid or cruel means—His orders were direct, clear, and pofitive: Firft, that the fervice fhould be profecuted until the Begum and her fervants were at the entire mercy of the Nabob, and their wealth fecured from private embezzlement; and next, it was his ftrenuous advice to the Nabob, that the conduct of the Begum's eunuchs, at the time of the rebellion, fhould be fully inveftigated; and that, if on fuch inveftigation they fhould be found guilty, the Nabob would punifh them exemplarily, as an example to others. Their Lordfhips knew from the evidence, that this advice was not followed, nor his orders obeyed. The eunuchs were pardoned on the condition of paying a certain fum from the Begum's treafury, and it was for a deficiency in performing their agreement, that they were confined from February to October 1782, a fhort part of the time in very flight irons; but the place of their confinement was a palace, and they had its gardens to range in. Even of this flight confinement it was in evidence alfo that Mr. Haftings was ignorant, and confequently the propriety of his conduct turned only on the three points which he had already mentioned to their Lordfhips.

Before he considered these three transactions, his Lordship said, he would mention the point of view in which the charge struck him, which, though unnecessary for him to state to satisfy his own conscience in the vote which he should give, did, he conceived, require very serious consideration from any noble Lord, if there was one, who thought that the Commons had made good any one point in this article.

A noble and learned Lord (Loughborough,) in the discussion of the Benares article, had said, that the managers for the Commons had weakened their cause very much, by their attempts to prove that Cheyt Sing was an independent Prince. Had they succeeded, the case, in the noble and learned Lord's opinion, would have been very different, because the distinction between doing an act of injustice to your own subjects, and to an independent Sovereign, or the subjects of an independent Sovereign, was very material indeed. Lord Thurlow said, that he fully concurred with the noble and learned Lord, and he desired him to take the distinction in the present case. The Commons, it is true, had affirmed in their articles, that the conduct observed towards Cheyt Sing and the Begums, had involved the British name and character in unspeakable dishonour and disgrace in the eyes of all Asia. It had been fully proved, and the last evidence to the point was the Marquis Cornwallis, that if such consequences did follow from these acts, nobody ever heard of them; and he could have no hesitation in saying, that the allegation was unfounded. The question then would be, whether the Minister of one state, procuring either by management or compulsion, a measure to be done, which was highly advantageous to his own state, could be amenable for the act, because it involved in it a degree of injustice to the subjects of another state? That was the question; for whatever degree of influence Mr. Hastings might possess over the Nabob of Oude, still he was ostensibly an independent Sovereign, and it was by management alone, not by force, that we acquired and retained our influence over him—an influence which began in 1775, and continued to this day precisely the same; as he should have occasion to shew to their Lordships in the detail which he would now proceed to lay before them; for, as the detail advanced, he thought it would clear up every circumstance relative to Mr. Hastings. In the month of January 1775, Sujah Dowlah died, a Prince formed for the government of a great empire: He nominated, in his last illness, his only legitimate son, Asoph ul Dowlah, to the succession. This young Prince, independent of his wanting all the qualifications that distinguished his father's character, succeeded under terms that will well account for all his sub-

sequent misfortunes. His father had recently added the country of Rohilcund, the Dowah, Corah, Currah, and Allahabad, to his dominions. A large force was necessary to secure acquisitions so recently attained. The army was very considerably in arrears, the exact amount of those arrears does not appear in evidence, and four hundred and eighty thousand pounds were due to the East-India Company. The treasury contained money enough to extricate the Nabob from his difficulties, amounting by common report to more than four millions sterling, but supposed by Mr. Bristow, on good information, to amount at least to two millions sterling. This treasure, unhappily for the Nabob, was in the Zenana of the palace of Fyzabad, and under the charge of the Nabob's mother, who had officiated as the treasurer of Sujah Dowlah prior to his decease.

The charge calls these treasures valuable moveables, of which, as it affirms, the Begums were possessed, in order to enable them to maintain their own rank and dignity, as well as for the maintenance of their numerous family and dependents.

But the evidence fully proves, that they were the public treasures of the State, amassed, as the Begum's eunuch confessed to Mr. Bristow, to provide against an emergency; and consequently, in point of justice, before the Begum could claim her eighth of those treasures, the debt of the Company and the sums due to Sujah Dowlah's army at his decease, ought to have been paid from them.

It is impossible to review, said Lord Thurlow, the scene that followed without wonder, and even indignation.

The Nabob, weak and ill advised, addicted to those vices the most base and degrading to the human character, converted the companions of his miserable pleasures and debaucheries into Ministers of State. His mother, as he told Colonel Galliez, soon after his accession, was his bitter enemy; and it appears by a subsequent letter from her, that there had been great differences between them. He continued in this state of distress from his accession in January 1775, until the month of May, when it was rather increased than diminished. But it is now material to consider the conduct pursued by the British Government, and that may be done in a very few words—On the death of Sujah Dowlah, the Council acknowledged his son as Nabob of Oude, but determined, against the opinion of Mr. Hastings, that the treaties subsisting between the States of Bengal and Oude expired by the death of Sujah Dowlah. They next determine to conclude a new treaty, and to dictate the terms of it. Your Lordships will remember, that at this time there was an English regiment, a company of artillery, and six battalions of Sepoys in Oude, not making more than five thousand men; but

ſuch is the reputation of the Engliſh arms in Hindoſtan, that merely to purchaſe the continuance of this force in Oude, the Nabob, in May, 1775, conſented to pay a monthly ſubſidy of two lacks and ſixty thouſand rupees, inſtead of two lacks and ten thouſand, which he had paid before, and to cede to the Engliſh for ever the rich provinces of Benares and Ghazipore.

Your Lordſhips are now got to May 1775: The diminution of the Nabob's means, and the increaſe of his expences, kept pace with each other. He had obtained on loan from his mother, about twenty-ſix lacks of rupees, for which he had given in jaghire, four times the value. In October 1775, when he was very much preſſed for money, both by the Company and by his army, he commenced a negociation with his mother, through Mr. Briſtow, of which the Governor General and Council heard not a word, until they heard of its concluſion: An agreement was entered into by the Nabob with the Begum, the terms of which were, that having already received twenty-ſix lacks, and being then to receive thirty lacks on account of *his patrimony*, he gave the Begum a full acquittal as to all the reſt, and ſecured her jaghires to her, without interference, for life. Mr. Briſtow was the guarantee to this treaty on the part of the Company. The impolicy of the agreement was moſt apparent; but the Governor General and Council approved it, becauſe, as they informed the Directors, the urgency of the caſe required it. The queſtion now to conſider will be, how Mr. Haſtings acted in ſupport of this guarantee, however it might have been obtained, or however impolitic was the meaſure itſelf. It appears from all the evidence, that between the year 1775, when it was granted, and the year 1781, when it was withdrawn, Mr. Haſtings moſt punctually obſerved it, and ſeemed to decide on all diſputed points more in the Begum's favour than ſhe really deſerved.

The firſt application made to the Board in Calcutta, ſubſequent to the guarantee, came, as your Lordſhips will recollect, from the Begum herſelf, in December 1775. In the letter, which is a very long and a very curious one, ſhe highly blames the meaſures of her ſon: She deſires Mr. Haſtings to cauſe Elige Cawn to be appointed the Miniſter, and to cauſe the Nabob to diſmiſs Murteza Cawn, who was at that time the Miniſter; and then ſhe adds, "I will cauſe the revenues, and the dues to the Engliſh Chiefs, to be paid." The Board are ſtruck with the ſtyle of the letter; and Mr. Francis ſays, that it ſeems very extraordinary that this lady ſhould preſume to talk of governing kingdoms and appointing Miniſters. He adds, that ſuch language is ſingular in a country where

women are not allowed a free agency in the most trifling domestic circumstances. Mr. Francis conceived the letter not to be of her writing, but of one of her eunuchs, probably of the person who brought it to Calcutta. The dispute between the Nabob and the Begum related to the payment of the thirty lacks; she offered to liquidate eleven lacks of the demand, by giving horses, elephants, camels, artillery, arms, and ammunition; and the Nabob very naturally asked what claim she could make to musquets and guns?

The fact is of consequence, as in the course of the correspondence your Lordships will see the spirit which actuated this lady: In one of her letters to Mr. Bristow she says, "You were a party to the agreement—let me have my money back; do you remain neuter, and then let Asoph ul Dowlah and his Minister, in any manner they can, take the money from me: By the blessing of God they will then see the consequences." In a letter from Mr. Bristow to the Board, he says, the Begum, while she complains of the Nabob and his Minister, forgets the improper conduct of her own servants, who preserve a total independence of the Nabob's authority, refuse obedience to his perwannahs, and beat the officers of his government. In a letter to the Begum, six months after the guarantee, Mr. Bristow tells her, that the Nabob proposes one method which will cut off all future disputes: It is, that she gives up her jaghires, and receives the value in money; for, as his Excellency observes, two rulers are too much for one country.

In speaking of the Begum as acting with this degree of violence, I do not mean to say she should be made penally responsible. I think there is a great deal of good sense and justice in a remark of one of the Managers, that a woman in India of high rank, is not only immured, but enshrined in the Zenana. I think too, that any personal indignity offered to a woman of high rank, must very much shock the people of India: But if, by some strange impolicy, such as happened in the instance before your Lordships, immense landed property, and a military force to protect it, are granted to a lady of high rank, her agents must be strictly responsible for all the acts done in her name; and therefore, in speaking of the Begum's concern in the rebellion, I do not mean to say that she could be made responsible, farther than by depriving her of treasures of which she could not possibly make any use, and which her agents had often employed for the destruction both of her son's and the British Government.

Your Lordships have doubtless observed by the evidence, which contains the series of letters that passed from 1775 to 1781, between the Board and the residents at Oude, and from which a very cor-

rect history can be formed of the state of the country, that whether Mr. Hastings was in a majority, or in a minority; whether Mr. Bristow, Mr. Middleton, or Mr. Purling, was the resident; the species of influence employed over the Nabob, his distresses, and the confused state of the country, were precisely the same. Himself, I am sorry to say it, a slave to those abominable vices which debase and disgrace the man, was governed by his favourites. When Mr. Hastings, in 1777, strongly remonstrated to him on the impolicy of his conduct, aad earnestly advised him to dismiss from his presence the unworthy characters that surrounded him; what did he say to enforce this advice? The English, if you do not follow it, must break off their connection with you altogether. I beg your Lordships will bear this in your minds. The Nabob thanks Mr. Hastings for his advice, promises to attend to it, and in that letter tells him he has appointed the Ministers recommended by Mr. Middleton: These were Hussein Reza Cawn, and Hyder Beg Khan. Mr. Bristow and Mr. Middleton both state that the Nabob dissipated immense sums of money amongst his favourites; and, provided he got all the money he wanted, he was indifferent as to the state of his dominions. Lord Cornwallis gives precisely the same character of the same Prince, thirteen years after the period of which I am now speaking, and he uses these pointed expressions: "The disorders which have prevailed in Oude are to be traced in the character of its Prince." But, my Lords, to bring the history down to the period of 1781, when it more particularly applies to Mr. Hastings: Your Lordships see by the evidence, that in the month of September 1781, Mr. Hastings met the Nabob at Chunar, and concluded that engagement, which is known by the name of the treaty of Chunar. It consisted of four articles, proposed by the Nabob, and agreed to by Mr. Hastings without addition or diminution. The article which applies to this charge is, that the Nabob should be permitted to resume such jaghires in his dominions as he thought proper; but engaging at the same time to pay the amount of such jaghires as had been guaranteed by the Company, in ready money to the English resident. The Nabob, as appears from the evidence, positively declared his determination to adopt this salutary measure of the resumption as soon as he retured to Lucknow; and your Lordships will observe by the evidence, that the revenue of the Jaghiredars and Tuncadars amounted to more than fifty-six lacks of rupees a year, in a country where every person of those descriptions exercised military power; you need not therefore be told, that nothing could be more mischievous to the peace of the country than such an establishment. I will suppose for a moment that the Be-

gums had shewn no signs of disaffection; I should think, in such a case, that the resumption of their jaghires, receiving a proper equivalent, would have been no breach of the agreement. The subjects of the freest country in the world are obliged, on all public occasions, to dispose of their property for an equivalent, when the public good requires such a sacrifice; and, in this case, the experience of many years had proved the necessity of the measure: But with the information which Mr. Hastings had received of the rebellious conduct of the Begums, it would have been highly impolitic to have left them possessed of great landed property, and a large military force. The circumstance on which the Managers have laid the greatest stress is this, that though, by the article in the Chunar treaty, to which I have alluded, the Nabob was to act as he pleased as to the resumption, Mr. Hastings compelled him ultimately to resume all the jaghires; and the same observation was also made as to the seizure of the treasures; for, although the first proposition came from the Nabob, he was induced at last, as Mr. Hastings says, to act with an almost unconquerable reluctance; an expression taken from a letter of instructions, written by Mr. Hastings to Major Palmer, in which that officer is directed to inquire particularly into the cause of so singular a circumstance. I have been told, says Mr. Hastings in those instructions, that the Nabob was at last compelled to yield with an almost unconquerable reluctance to the adoption of those measures, which he had himself most earnestly urged me to agree to his carrying into effect.

By another article in the Chunar treaty, the British officers, who from time to time had been appointed at the Nabob's desire to command corps in Oude, were to be withdrawn, and the defence of Oude to be left to one brigade only. The English gentlemen, settled at Lucknow in various public offices, were also to be withdrawn, and only the resident's establishment to remain. The Nabob, on his part, consented to separate his public from his private expences—to fix the amount of the latter—to reform his army—to entrust his public treasury to his Minister under the inspection of the British resident—and he was also prevailed upon to agree to other salutary regulations, which were framed with the intention of introducing order into his government; and by which the benefit resulting to the Bengal Government would be as speedy a liquidation of the then existing debt as possible, and the prevention of any arrear in his future payments. The Nabob, as appears from the evidence, left Chunar on the 19th of September. That and the following month passed over, but no measures were taken on the part of the Nabob, either to put his government in order, or to

resume the jaghires; though Mr. Hastings issued orders for the recal of the temporary brigade, and directed all the gentlemen who, from time to time, had been appointed to Lucknow, to quit it, with the exception of the resident's office. It does not clearly appear at what time a proposition was made to Mr. Hastings for taking the treasures from the Begum; that it was first made by the Nabob, through Ally Ibrahim Cawn, seems to be admitted on all sides; though Sir Elijah Impey thinks, that he himself was the person who suggested the idea to Mr. Hastings, or at least that he first took it up in a conference with him at Chunar, in November. This, however, is a point of no moment; it is certain that Sir Elijah Impey was desired to convey Mr. Hastings's directions to Middleton, to sound the Nabob, and, if the Nabob should make such a proposition, to inform him that it would be complied with. In the subsequent correspondence between Impey and Middleton, it appears that the Nabob came very readily into the measure, but wished to use it as an alternative, for resuming the jaghires—a measure which though proposed by himself in September, he wished to avoid carrying into effect in December. Mr. Hastings appears in the subsequent part of the correspondence to be greatly surprised at this unaccountable conduct of the Nabob; but the pressing solicitations of Middleton, and his threat to adopt the measure himself, in concurrence with the Minister, independent of the Nabob, did at last incline the Nabob to yield what Mr. Middleton calls a nominal consent. I think, my Lords, it is perfectly clear from the evidence, that this disinclination to resume the jaghires was entirely occasioned by the advice of the men who surrounded him, and who were perpetually counteracting the endeavours of the Minister to restore order to his government. To the seizure of the treasures he does not appear to have had any objection, though Mr. Middleton describes his conduct at the moment it was to be carried into effect, as wavering and indecisive. Both measures were completely effected in January 1782: The consequences to the Bengal government were, an immediate discharge of a very heavy debt, and a relief to distresses, which I protest to you, my Lords, could not, in my opinion, have been relieved by any other means.

Infinite pains were taken in Westminster Hall to prove that Mr. Hastings had given false accounts of his motives for adopting these measures, and thence to infer his criminality. With this view the Managers read the defence which Mr. Hastings made in the House of Commons; and also what they called a second defence, though the Counsel took the trouble to prove that it was not in fact a second defence, Mr. Hastings having caused a few copies of it only to

be delivered to particular Members. Whether it be what the Counfel or what the Managers call it, ftill it is evidence; and I am not a little aftonifhed at the perfect fairnefs of the Counfel, in wifhing to explain fo precifely what the paper was. Mr. Haftings would have done wifely had he defired the Houfe of Commons to receive it as a fecond defence; it corrects the errors of the firft, and contains that clear and plain ftatement of the whole tranfaction, which has fince been fully made out by evidence. It corrects a material blunder in the firft, and it is in proof that the firft was written by Mr. Middleton, who had faid that the motive for feizing the treafures was the Begum's refiftance to the refumption of the jaghires. Now, my Lords, the whole of Mr. Middleton's evidence, the whole of his former evidence in the Houfe of Commons, proves that this was a blunder. Mr. Haftings's letters to the Court of Directors prove it alfo to have been a blunder; and it is fully and completely cleared up in that fecond defence, which the Managers have given in evidence.

The next point laboured by the Managers was, that a Begum had a right to the treafures lodged in the zenana; and to eftablifh this, they called Mr. Goring, whofe evidence was indeed of a moft fingular nature: he fwore, that when he was at Moorfhedabad, in the year 1775, he vifited the widow of the Nabob Surajah Dowlah, who, your Lordfhips will remember, was depofed after the battle of Plaffey in 1757; that fhe appeared to live in a ftyle of great fplendour and magnificence; that he fuppofed fhe was enabled to do fo from the money depofited in her palace by her late hufband, Surajah Dowlah; that he never heard of Meir Jaffier's claiming any part of the treafures left in the zenana, after the death of Surajah Dowlah, and that he conceived the treafure once lodged within the zenana is intended for the fupport of the women in the zenana: from his obfervation, he thinks it is the cuftom to lodge money in the zenana, for the fupport of the women. My Lords, I will not infinuate that *per obliquum*, which I am not ready to fay *per directum*. I fhall therefore only obferve, that the opinions to which this gentleman fwears, fhew him to be moft thoroughly ignorant, not only of all Oriental cuftoms, but of the hiftory of the particular period to which he alludes. It is an eftablifhed fact, my Lords, received as fuch on the authority of Scrafton and Orme, that after the rout at Plaffey, Surajah Dowlah firft fent off his women with fifty elephants, their furniture, and neceffaries, and a great part of his own jewels. On the night of the fame day, he himfelf fled in difguife with his favourite concubine, and an eunuch, carrying with him a cafket of his moft valuable jewels. The women, the ele-

phants, and the treasure, were all seized and brought back to Moorshedabad; Surajah Dowlah continued his flight, disguised; he was taken at Rajamahl, brought back to Moorshedabad, and, as your Lordships all know, he was murdered by the orders of Meeran, the son of Meer Jaffier. From his treasures, all of which were seized by the conqueror Meer Jaffier, one million seven hundred thousand pounds was paid to the Company and to individuals, as a compensation for their losses, and an apology was made for postponing the remaining payments, because the treasures of Surajah Dowlah had turned out not to be so considerable as Meer Jaffier had expected. But, my Lords, the defendant's counsel produced evidence which clearly proved the source from whence this lady, the widow of Surajah Dowlah, acquired the means of living as she did. Her father, Mahomed Eritch Cawn, held a considerable jaghire in trust for her, which had been settled as a dower upon her in 1750, on her marriage with Surajah Dowlah, while Aliverdy Cawn was living. This lady always received the amount of this jaghire, as she fully proved in 1780, when her father died; and on the fact being made out that the jaghire was really settled upon her, Mr. Hastings and the Supreme Council continued it to her, though it actually stood in the name of her father. I shall leave it to your Lordships to determine how far the Managers have proved that the treasures lodged in the zenana belong to the ladies of the zenana.—There is full evidence that the treasury of Sujah Dowlah was in the zenana of Fyzabad, and that the Begum's signature, as his treasurer, was necessary for all considerable issues of money from that treasury.

The next point, my Lords, on which the Managers relied to prove the guilt of Mr. Hastings, was his refusal to obey the orders of the Directors, received in August 1783, for making a fuller inquiry into the supposed rebellion of the Begums in 1781. To this point they called my late friend, Mr. Stables, a very worthy man, but certainly not remarkable for the brilliancy of his talents, or the quickness of his conceptions. They ask him if he did not move the inquiry into the Begum's conduct, and why he moved it? He tells them he did so, because he conceived that inquiry to have been ordered by the Directors, as his minute written at that time would shew. Now, my Lords, the Managers, in order to support the credit of their witness, produced the minute alluded to, in which Mr. Stables distinctly states that his reason for moving an inquiry was, because the Directors seemed not to be satisfied with the information before them—a very different statement, indeed, from that which appears in the charge, and which Mr. Stables, by his

oral evidence, did in fact support. However, the reference to the minute which Mr. Stables made, clearly proved, that that gentleman did not mean to mislead your Lordships, and it was rather hard to examine him as to his motives for making the motion he did, when a reference to the minute written at the time was the best evidence to the point. The debate at the Board on the subject of the letter, which the Managers contend to be an order for a farther inquiry into the conduct of the Begum, sets the whole matter in so clear a point of view, that I am astonished how such a charge could have been made in the name of the Commons, and not less surprised that it should be supported by evidence, which, in the opinion of every man of common sense, most effectually refutes it. A letter was received from the Directors in the month of August, 1783, directing, in a very confused and perplexed sentence, that if it should appear that the Begums had not taken so active a part in the rebellion of Cheyt Sing as had been reported, the Nabob should be applied to, to restore them their jaghires. The letter also says, that they do not appear to have armed prior to the revolt of Cheyt Sing, and it is probable that their subsequent conduct was occasioned by apprehensions which they also entertained of being laid under unwarrantable contributions. Your Lordships will be of opinion, that it must have been under very extraordinary circumstances, indeed, that thirteen gentlemen could have been found, to put their names to a letter containing such orders and opinions. The question for an inquiry was originally moved by Mr. Wheler: He expresses his readiness at all times to obey orders; but before they apply to the Nabob, he wishes to inquire how far they merit the application for the restoration of their jaghires. Nothing had passed, Mr. Wheler says, to change his opinion, that the Begums had been concerned in the rebellion; that he had been confirmed in the belief, from the opinions of many individuals, totally unconcerned in the business: but, as the Directors seem to be of a different opinion, he thinks stronger proofs of their disaffection ought to be laid before them; and he concludes by moving, that the late and present resident be called upon to collect such proofs.

Mr. Hastings conceives Mr. Wheler to have misconceived the intentions of the Court of Directors, and therefore opposes the motion.

Mr. Stables, at the end of the next month, renews this subject, by observing, that the Directors seem not to be satisfied that the evidence sent to them had sufficiently proved the disaffection of the Begums, and therefore he moves a farther inquiry.

Mr. Hastings conceives, that they had sent no orders for an in-

quiry; that very ſtrong and authenticated evidence had been ſent to them already. He refers to the letter to confirm his ſenſe of it; and he adds, "If evidence is to be collected, it ſhould be collected from all perſons capable of giving it, and not confined to official characters." Sir John Macpherſon fully concurs with Mr. Haſtings as to the ſenſe of the Directors' letter; though, on firſt hearing the letter read, he had conceived a different opinion. He does not ſee what ſalutary purpoſes ſuch an inquiry could anſwer; and I am ſure your Lordſhips will agree with him. He obſerves, that there has been no appeal from the Begums, and there was ample proof at the time, that thoſe who managed the concerns of the Begums were no friends, but real enemies of the Engliſh. The motion for an inquiry was wiſely and properly negatived. Had Mr. Haſtings conceived the poſſibility of what has ſince happened, he muſt have eagerly propoſed, while in Bengal, a fuller inquiry into the diſaffection of the Begums; and he would have weighed down the Directors by proofs of the fact; for though the caſe ſtood clear enough in my mind upon the affidavits, it has been ſo effectually ſtrengthened by the teſtimony of a number of reſpectable officers, as to fix it beyond all doubt. The ſame evidence, and certainly much more in addition to it, might have been procured in India in 1783; and, indeed, Mr. Haſtings then obſerved, that if an inquiry were to take place, he deſired that all perſons capable of giving information might be examined: But, if your Lordſhips will look to this letter of the Directors, and to the date of it, February 1783, you will ſee the ſpirit with which it was written, is, in a great degree, to be imputed to the politics of the time. Sir Henry Fletcher was then the chairman, and it was the faſhion to rate Mr. Haſtings for every thing he did. The letter ſets out by ſaying, that they do not ſee the policy of reſuming the jaghires, and thus uniting under one head all the power of the country, which might eventually become formidable to Bengal. Hard fate of Mr. Haſtings! He is rated by the Directors for his endeavours to bring the dominions of the Nabob into order: He is cenſured by the Managers for having involved them in diſtreſs. The Directors, in ſpeaking of the Begums, ſay, it does not appear that they took up arms prior to the revolt of Cheyt Sing, and, by arming afterwards, they only meant, in all probability, to defend themſelves from unwarrantable contributions. My Lords, they never were accuſed of arming before the revolt of Cheyt Sing; and, if they are innocent, as they really appear to be in the opinion of the Directors, for arming and acting againſt the Engliſh ſubſequent to that event, there is an end of the queſtion: But no rational being can reaſon ſo abſurdly. Your Lordſhips will ſee the name of

Sir Henry Fletcher at the head of the thirteen gentlemen who signed the letter; and every thing done at that period was done, in my opinion, to prove the necessity of the strong measure that was brought before Parliament in the course of that year. There can be no other rational way of accounting for the conduct of those gentlemen who framed that letter. I have now, my Lords, gone, though at too great a length I fear, but still as shortly as I could, through the material facts alledged in the article.

The resumption of the jaghires I deem to have been a measure of the soundest policy, and the means taken to compel the Nabob ultimately to adopt a measure, proposed originally by himself, were not in any respect criminal, but meritorious.

The consent given by Mr. Hastings to the seizure of the treasures, and the care which he took to secure them from private embezzlement, were acts that appear to me in no respect criminal. Upon the most attentive consideration of the whole evidence, I am decidedly of opinion, that nothing criminal has been proved against the defendant. At the close of the charge, indeed, it is stated, that all the acts imputed to him, and stated to be criminal, are highly aggravated, by the avowed corruption in which they originated; Mr. Hastings having accepted a present of ten lacks of rupees from the Nabob, at the time he signed the treaty of Chunar. There is another article in which the receipt of this present is expressly charged, and there it will be proper to consider it fully; as inserted in this article, it appears to be very inconsistent with the general tenor of the rest of it. In the former allegations, Mr. Hastings is said to have compelled the Nabob to adopt the two measures of resuming the treasures and the jaghires. At the close, the Nabob is supposed to have bribed Mr. Hastings to give his consent to the adoption of these measures.

I shall not intrude longer on your Lordships' indulgence, but will conclude, by declaring, that though, until I hear the opinion of other noble Lords, I shall not make any motion; yet, if no objection is made, I mean merely to move, that the Commons have made good the second article of charge against Warren Hastings, Esq.

The LORD CHANCELLOR said, he did not object to taking the decision on the whole charge under one question. In his view of the charge, he had not considered Asoph ul Dowlah, the Nabob of Oude, as a foreign Prince and independent Sovereign, but as a person whose conduct and Government were under the absolute controul and command of the overbearing influence of the East-India Company's power exercised by Mr. Hastings. Having considered him in this light, he should have occasion, in order to shew that he

had rightly viewed it, to refer to so many letters of Mr. Middleton's, that not being prepared sufficiently, it would save their Lordships time if they were to adjourn where they then were in respect to the charge, because, if they determined to proceed, he must necessarily call for all the letters to be read, to which he wished to refer, and that would waste much time, whereas he would undertake to be ready with such extracts as he should deem it requisite to refer to by the next day.

Lord THURLOW consented; and the Chairman having stated that the question before the Committee was,

"That the Commons had made good the charges in their second article, respecting the Begums," it was moved and agreed to that he should leave the chair.

The Committee adjourned the consideration of the motion till next day.

Tuesday, 17th March.

As soon as the House had resolved itself into a Committee to consider the charges of the impeachment,

The LORD CHANCELLOR rose, and began the resumption of his reply to Lord Thurlow, by admitting the proposition, that where the Minister of another country prevailed on a foreign Prince, who was an independent Sovereign, to do an act of injustice to one of his own subjects, that Minister was not criminally responsible and amenable to the laws of the government he served under for such conduct; but where, on the other hand, it was proved that the Minister of a British government procured the Prince of a foreign country, who was not independent, but absolutely under the influence and controul of such Minister, to do an act of injustice to one of his own subjects; that Minister, he contended, was clearly amenable to British laws for having done that which was in itself, in the view of British laws, illegal and criminal. The decision of the Court of Common Pleas in the case of Rafael the Armenian, and Governor Verelst, had turned entirely on that point. It was in that case proved that Sujah Dowlah, the then Nabob of Oude, was under the awe and influence of Governor Verelst, and that fact led to the ultimate judgment.

His Lordship stated all the circumstances of the case*, which had been first decided against the defendant, Verelst, with 5000l.

* Tried in the Court of Common Pleas at Guildhall, in Hilary term, 15 Geo. III.—Vide Sir William Blackstone's reports, vol. ii. pages 983, 1055, 1067.

damages, and on the new trial, a special verdict was returned by the jury, upon which, at length, the Court decided for the plaintiff, and he obtained considerable damages. He shewed upon what ground it was that on the first trial all the judges, excepting Sir William de Grey (Chief Justice), entertained strong opinions of doubt as to the question, whether Governor Verelst, as Governor of Bengal, was amenable to British laws, and to the cognizance of an English Court of Judicature, for any wrong done to another person by a foreign Prince. He then traced the cause through the progress and particulars of the second trial, and declared, that the manner in which the jury had returned the verdict was such as removed from the minds of the three dissenting judges of the Court, Mr. Justice Gould, Mr. Justice Blackstone, and Mr. Justice Nares, all occasion to insist farther on their doubts. It was in consequence, as he had stated, that Governor Verelst lost the cause, and paid considerable damages; a writ of error was talked of, but no such writ was brought up to that House. The point, therefore, was legally established by the event of that cause, that the Minister of the Government of India, under the sovereignty of Great Britain, was amenable to British laws, for having been the cause of a foreign Prince, confessedly under his controul, awe, and influence, having injured one of his own subjects in such a degree, as to entitle him to recover damages in an English Court of Judicature, provided that he could make out his case and prove his damages to the satisfaction of an English jury. The case of the Armenian Rafael, and Governor Verelst, to be seen in Judge Blackstone's Reports, 983, 1055, his Lordship said, was directly in point with the case alledged in the charge respecting the conduct of the Nabob to the Begums. As Sujah Dowlah was confessedly known to be subject in the whole of his conduct to the controul of Governor Verelst, so, in like manner, the reigning Nabob Asoph ul Dowlah was under the absolute controul, awe, and influence of Mr. Hastings, who was in fact the contriver, inventor, and in truth might reasonably be stated to be the perpetrator of all the injustice practised under the name of the Nabob on the Bhow Begum and the Begum (his mother and grandmother), and all the crimes and enormities alledged in the charge.

In order to prove the influence which Mr. Hastings had over Asoph ul Dowlah, the vassalage in which he held him, and that he suggested the measures of resuming the jaghires, which the Nabob had granted to the Begums, and seizing upon the treasures in their possession, in the zenana, he caused letters and various ex-

tracts of letters* written to Mr. Hastings by Mr. Middleton, the resident at Lucknow, in Dec. 1781, and Jan. and Feb. 1782.

* The following are the extracts from the letters on the subject of resuming the jaghires and seizing upon the treasures, which passed between Mr. Middleton, the resident in Oude, and the Governor General, in December, 1781, and January and February, 1782, read by the Clerk:

Mr. Middleton to the Governor General; dated Lucknow, the 1st of December 1781.

"I have this day signified to the Minister my expectation that the whole of the jaghires be resumed, and their revenue, after paying to such of the proprietors as have a right to claim the mediation of our Government, the amount of their jaghires, be applied to the liquidation of the Nabob's debt to the Hon. Company. I shall be very glad if his Excellency consents to make this measure an act of his own, as I conceive it would be more agreeable to you, and more consistent with those appearances which it may be thought expedient to preserve with his Excellency; but if he declines it, as is by no means improbable, I shall think myself justified by your instructions in insisting on its being done even without his concurrence."

Mr. Middleton to the Hon. Warren Hastings; dated Lucknow, the 6th of December 1781.

"Finding the Nabob wavering in his determination about the resumption of the jaghires, I this day, in presence of, and with the Minister's concurrence, ordered the necessary perwannahs to be written to the several aumils for that purpose, and it was my firm resolution to have dispatched them this evening, with proper people to see them punctually and implicitly carried into execution; but before they were all transcribed, I received a message from the Nabob, who had been informed by the Minister of the resolution I had taken, entreating that I would withhold the perwannahs until to-morrow morning, when he would attend me, and afford me satisfaction on this point."

Mr. Middleton to the Hon. Warren Hastings; dated Lucknow, the 7th of December 1781.

"My dear Sir,

"I had the honour to address you yesterday, informing you of the steps I had taken in regard to the resumption of the jaghires. This morning the Vizier came to me according to his agreement, but seemingly without any intention or desire to yield me satisfaction on the subject under discussion; for after a great deal of conversation, consisting on his part of trifling evasion and puerile excuses for withholding his assent to the measure, though at the same time professing the most implicit submission to your wishes, I found myself without any other resource than the one of employing that exclusive authority with which I consider your instructions to vest me; I therefore declared to the Nabob, in presence of the minister and Mr. Johnson, who I desired might bear witness of the conversation, that I construed his rejection of the measure proposed as a breach of his solemn promise to you, and an unwillingness to yield that assistance which was evidently in his power, towards liquidating his

to be read, and also the letter written by Mr. Hastings and his Council to the Directors at home, and that passage from his defence

heavy accumulated debt to the Company, and that I must in consequence determine, in my own justification, to issue immediately the perwannahs, which had only been withheld in the sanguine hope, that he would be prevailed upon to make that his own act, which nothing but the most urgent necessity could force me to make mine. He left me without any reply, but afterwards sent for his Minister, and authorised him to give me hopes that my requisition would be complied with; on which I expressed my satisfaction, but declared that I could admit of no farther delays, and unless I received his Excellency's formal acquiescence before the evening, I should then most assuredly issue my perwannahs, which I have accordingly done, not having had any assurances from his Excellency that could justify a farther suspension."

Mr. Middleton to the Hon. Warren Hastings; dated Lucknow, the 9th of December 1781.

"My dear Sir,

"I had the honour to address you on the 7th instant, informing you of the conversation which had passed between the Nabob and me on the subject of resuming the jaghires, and the step I had taken in consequence. His Excellency appeared to be very much hurt and incensed at the measure; and loudly complains of the treachery of his Ministers: First, in giving you any hopes that such a measure would be adopted; and secondly, in their promising me their whole support in carrying it through. But, as I apprehend, rather than suffer it to appear that the point had been carried in opposition to his will, he at length yielded a nominal acquiescence, and has this day issued his own perwannahs to that effect; declaring, however, at the same time, both to me and his Ministers, that it is an act of compulsion."

The Governor General to Mr. Middleton: dated Benares, the 26th of December 1781.

"I have waited thus long in the hopes of hearing that some progress had been made in the execution of the plan which I concluded with the Nabob in September last. I do not find that any step towards it has been yet taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance. I approve the Nabob's resolutions to deprive the Begums of their ill-employed treasures.

Mr. Middleton's private Letter to the Governor General; dated Lucknow, the 28th of December 1781.

"If your new demand is to be insisted upon, which your letter seems to portend, I must beg your precise orders upon it; as, from the difficulties I have within these few days experienced, in carrying the points you had enjoined with the Nabob, I have the best grounds for believing that he would consider it a direct breach of the late agreement, and totally reject the proposal as such; and I must own to you, that, in his pre-

before the House of Commons, in which Mr. Hastings says the treasures were seized in consequence of the resistance made by the

sent fermented state of mind, I could expect nothing less than despair, and a declared rupture.

" The wresting Furruckabad, Kyrague, and Fyzula Cawn's country from his government (for in that light, my dear Sir, I can faithfully assure you he views the measures adopted in respect to those countries,) together *with the resumption of all the jaghires, so much against his inclination*, have already brought the Nabob to a persuasion that nothing less than his destruction, or the annihilation of every shadow of his power, is meant; and all my labours to convince him to the contrary have proved abortive. A settled melancholy has seized him, and his health reduced beyond conception; and I do most solemnly believe, that the march of four regiments of Sepoys towards Lucknow, under whatever circumstances it might be represented, would be considered by him as a force ultimately to be used in securing his person. In short, my dear Sir, it is a matter of such immediate moment, and involving apparently such very serious and important consequences, that I have not only taken upon me to suspend the communication of it to the Nabob, until I should be honoured with your further commands, but have also ventured to write the inclosed letter to Colonel Morgan—Liberties which I confidently trust you will excuse, when you consider that I can be actuated by no other motive than a zeal for the public service; and that if, after all, you determine that the measure shall be insisted on, it will be only the loss of six, or at most eight days, in proposing it. But, in the last event, I earnestly entreat your orders may be explicit and positive, that I may clearly know what lengths you would wish me to proceed, in carrying them into execution."

Mr. Middleton's public Letter to the Hon. Warren Hastings, Governor General, &c. &c. dated Lucknow, the 30th of December 1781.

" For the sake of perspicuity, I have thought it best to recapitulate the several paragraphs of your letter, and arrange my answers to them respectively in the same order.

" 2d. I have waited thus long, in hopes of hearing that some progress has been made in the execution of the plan which I concluded with the Nabob in September last; I do not find that any step towards it has yet been taken, though three months are elapsed, and little more than that period did appear to me requisite to have accomplished the most essential parts of it, and to have brought the whole into train. This tardiness, and the opposition prepared to the only decided act yet undertaken, have a bad appearance.

" In reply to the second paragraph, I beg leave to refer you to my former letters, stating the turbulent state of the country. Three months is a period in which the changes you allude to probably might have been effected in times of perfect tranquillity; but when all the districts across the Gogra were in arms, and all the jagheirdars (a very numerous and powerful body) were very little short of the same state in every district, and for the regulating and reduction of whom the aumils were principally to be applied to—could a general change

Begum to the resumption of her jaghire. This account was undoubtedly untrue, and it naturally excited a very considerable degree of suspicion, when false motives were assigned for an action so very extraordinary in its nature, as the seizure of the treasures of the

or attack upon those aumils with ease have been undertaken? I think not; but I put this argument of the practicability or impracticability out of the question, as it was not that consideration which prevented me from enforcing the measures recommended by you to the Nabob in the treaty; the fact is this: I did not understand, at the period of executing the agreement between you and the Vizier, that your intention was, that the whole of the reform proposed was in its fullest extent to take place this year, nor indeed at all, if the Company's debt became liquidated; I conceived your interference in the Nabob's government tended solely to establish the means of the most speedy payment possible of the Company's debt; and that whenever this should be accomplished, every shadow of interference was to be desisted from, which I stated to the Nabob and the Ministers, and I believe upon the faith of that assurance principally was his Excellency's acquiescence obtained.

"3d. I approve the Nabob's resolution to deprive the Begums of their ill-employed treasures. In both services it must be your care to prevent an abuse of the powers given to those that are employed in them. You yourself ought to be personally present. You must not allow any negociation or forbearance, but must prosecute both services until the Begums are at the entire mercy of the Nabob, their jaghires in the quiet possession of his aumils, and their wealth in such charge as may secure it against private embezzlement."

"To the 3d paragraph I shall only say, that I march to-morrow with the Nabob to enforce both the services you exact in it; and if I succeed, as I have the strongest reasons to hope, in obtaining large ready money resources towards liquidating the arrears to the troops, which form a large proportion of the debt to the Company, I have not a doubt of accomplishing every end you have now declared you look to the instant performance of."

mother of a sovereign Prince. He said, it appeared to him from the letters of Mr. Middleton, that both he and Asoph ul Dowlah

*Mr. Middleton's private Letter * to the Governor General; dated Lucknow the 30th of December 1781.*

"My dear Sir,

"I have this day answered your public letter, in the form you seemed to expect. I hope there is nothing in it that may to you appear too pointed. If you wish the matter to be otherwise understood than I have taken up and stated it, I need not say I shall be ready to conform to whatever you may prescribe, and to take upon myself any share of the blame of the (hitherto) non-performance of the stipulations made on behalf of the Nabob; though I do assure you, I myself represented to his Excellency and the Ministers, conceiving it to be your desire, that the apparent assumption of the reins of his government (for in that light he undoubtedly considered it at the first view,) as specified in the agreement executed by him, was not meant to be fully and literally enforced, but that it was necessary you should have something to shew on your side, as the Company were deprived of a benefit without a requital; and upon the faith of this assurance alone, I believe I may safely affirm, his Excellency's objections to signing the treaty were given up. If I have understood the matter wrong, or misconceived your design, I am truly sorry for it; however, it is not too late to correct the error; and I am ready to undertake, and, God willing, to carry through, whatever you may, on receipt of my public letter, tell me is your final resolve."

Mr. Middleton to the Hon. Warren Hastings, Governor General, &c. &c. dated Fayzabad, the 13th of January 1782.

"With respect to the business here, I have the honour to inform you, that yesterday finding that the temporising and indecisive conduct of the Nabob seemed to promise an issue very different from that expected in your commands of the 26th of December last."

Mr. Middleton to the Hon. Warren Hastings, Governor General, &c. &c. dated Fayzabad, the 20th of January 1782.

"Sir,

"The Begum having finally agreed to surrender to the Nabob the treasures of his late father, the Nabob Shujah ul Dowlah, which she had hitherto retained in her possession, his Excellency desired me to withdraw the troops from the Kella."

Mr. Middleton to the Hon. Warren Hastings, Governor General, &c. &c. dated Lucknow, the 11th of February 1782.

"Sir,

"Inclosed I have the honour to forward you addresses from his Excellency the Vizier and his Ministers. In justice to the latter, it is incumbent upon me to inform you, that during the progress of the business at Fayzabad, I received from them the most willing and zealous support

* The Lord Chancellor made many severe and pointed remarks on the general style of this letter.

were reluctant to comply with Mr. Hastings's suggestion to seize on the treasures of the Begums; he said no proof had been given that the Begums had actually been in rebellion. The Lord Chancellor farther observed, that at the time these compulsory measures were used towards the Nabob, his country in every part of it was filled by troops under the command of British officers and in British pay; that it was perfectly true there had been tumults and insurrections in the province adjoining to the Begum's jaghire; but these were to be attributed, in his opinion, to the oppressions of Colonel Hannay and his officers, not to the interference of the Begums or their eunuchs; and therefore, he contended, there was no real ground for the seizing upon their treasures and treating them in the severe and oppressive manner in which they had been treated. His Lordship concluded with declaring that, to his conviction, Mr. Hastings ought not to be acquitted of the charge, but that the managers had made it good.

The Earl of MORTON rose immediately after the Lord Chancellor, and said, he was much surprised to hear the learned Lord say, that no proofs had been given of the rebellion of the Begums. Did his Lordship lay no stress upon the strong facts stated in the affidavits, and the pointed evidence given in Westminster Hall by many very respectable officers, relative to the Begum's soldiers having been actually taken in arms at Pateeta, and the other strong circumstances, which, his Lordship said, carried complete conviction to his mind, that they took a very active part in that rebellion?

Lord THURLOW, in reply, went much at large into a circumstantial statement of the case of Rafael and Governor Verelst, from Blackstone's reports, and declared what had been his opinion upon such a case at the time that he was Attorney General, communicated again and again to Sir Stanier Portien, the Under Se-

and that to their exertions I consider myself greatly indebted for the complete success which attended that business."

Extract from the Letter of the Governor General and Council to the Court of Directors, dated the 11th of February 1782.

"In order to punish the Begum for this daring ill conduct (marching an armed force to oppose the resumption of the jaghires) and to put it out of her power to apply the treasures which she had amassed to the purpose of raising any further commotion in the country, the Nabob resolved to seize her wealth, which by the Mahomedan law he was entitled to as an inheritance from his father, who in the latter years of his life had committed his treasury wholly to her charge, and it remained with her after his death."

cretary of State, respecting the treatment of a French subject in France, or a Spanish subject in Spain, through the interposition of this country. He denied, as a lawyer, the truth of the proposition laid down by the noble and learned Lord, respecting the Minister of the British Government being legally amenable for any act of an independent foreign Prince, to one of his own subjects, and contended that Asoph ul Dowlah could be considered no otherwise than as an independent sovereign Prince; as such, we had recognized him in all our treaties, and in all the acts of the British Government in India. He sat upon the Throne of Oude, and was looked up to as an independent sovereign Prince. He must therefore not be deemed for one purpose the *ostensible* Sovereign, and the *ostensible* Nabob and Vizier of Oude, and an independent Sovereign and Nabob for another. Having replied to this point, his Lordship proceeded to answer the remarks of the learned Lord. If, said he, I have succeeded in conveying to your Lordships the opinions which I entertain, I certainly did state the dependence of the Nabob upon the Bengal Government as broadly as the learned Lord himself has laid it down; all I contend is this, that it was exercised, and necessarily exercised, by all preceding and successive administrations in the same manner: By the majority in the time of General Clavering, by Mr. Hastings, by Lord Cornwallis, and by Sir John Shore. Let me entreat your Lordships to look to the letter written by Mr. Hastings in the year 1777, to the Nabob. He there represents to him in the most forcible language, the absolute necessity of appointing a Naib of character, and investing him with great power: That by no other means can his affairs be brought into order. He begs him to discard the unworthy characters that surround him, and one man in particular, whom he mentions by name. What is the threat if his advice is not followed? It is this, my Lords—The English will not continue a connection with you. It will be dishonourable to them. The advice was followed. The Minister recommended by Mr. Hastings was appointed. I mean Hyder Beg Khan, the other and the superior, Hussein Reza Cawn, being but a nominal Minister. Hyder Beg Khan received from Mr. Hastings the strongest assurances of support as long as he continued to execute the duties which he owed to his master with fidelity, in which the interests of the Bengal Government were so materially concerned. He received precisely the same assurances from Lord Cornwallis. In other words, he was protected, both by Mr. Hastings and Lord Cornwallis, against the intrigues of those men who were the companions of the Nabob's looser hours, and without such protection he could not have held his station a year. This Minister,

who in some of the articles before your Lordships is called an implacable tyrant; died while Lord Cornwallis was upon the coast in the year 1791. His Lordship, in his letters to the Directors, laments his death as a great public misfortune, both on account of his attachment to the English, and his abilities, which were professedly, his Lordship says, superior to those of any other person in the Nabob's dominions. But to shew that the influence of the Bengal Government is now what it always has been over the Nabob, Lord Cornwallis writes that the Nabob had declined to appoint a Prime Minister, from the time of Hyder Beg's death until his Lordship's return to Bengal. It is therefore perfectly clear that the Nabob has at all times been under a similar degree of influence to the Government of Bengal. The noble and learned Lord has read all that correspondence between Mr. Middleton and Sir Elijah Impey, and between Mr. Midddleton and Mr. Hastings, to which I have so fully alluded, that I will not go over it again. I admit as distinctly as the noble and learned Lord can desire me to admit, that between the 19th of September and the 26th of December 1781, the Nabob did shew an extreme unwillingness to adopt those very measures which in the month of September he appeared firmly determined to adopt. I admit that Mr. Middleton's letters prove the fact most fully. The learned Lord has also said a good deal of that private letter of Mr. Middleton, which accompanied his public letter of the 26th of December, in which he offers, if the public letter is not satisfactory, to alter it, so as to make it conformable to Mr. Hastings's wishes; but adding, that if he had mistaken Mr. Hastings's intentions, he was very sorry for it. He had really conceived the sole end which Mr. Hastings had in view by the treaty of Chunar was to obtain the payment of the Nabob's debt in the shortest possible time. I am sure it must have been by mere accident that the noble and learned Lord had not ordered the clerk to read Mr. Hastings's answer to that letter, which was a reply to the whole series of Mr. Middleton's private letters. It is important indeed, and in my mind removes every degree of doubt and suspicion that can arise upon this article in the breast of any candid man. Mr. Hastings, in terms of strong indignation, tells Mr. Middleton, "I have been deceived: I know not yet by whom." He goes on to express his surprise at the contents of Mr. Middleton's letters. "The resumption of the jaghires," says he, "though a measure to which the Nabob originally solicited my consent, three months ago, is but at this moment about to be commenced, and against the Nabob's inclination. You expect resistance. You apply to Colonel Morgan for a regiment. You write to me, that unless you are much mistaken, a larger force

will be necessary. Unwilling to risk the reputation of our army, or to fritter away our force by detachments, I order a larger force, and then you tell me the Nabob will never be brought to consent to the measure; and Mr. Johnson writes to me, that it will be putting the temporary brigade upon him again."—"These (says Mr. Hastings) are absolute contradictions. I will not (he adds) divide the brigade at Cawnpour while the Marattas are on our frontier, and the peace with them so recently concluded. I have written to the Nabob, says Mr. Hastings, and do you tell him that I do not wish to interfere in his affairs against his inclinations; but I will not sacrifice the Company's interests to the caprice of his advisers. Let him pay the debt now due, and I will withdraw all our forces, and the resident's office, but I will not suffer his alliance to be a clog instead of an advantage to Bengal." "Be cautious (he says) that the Nabob does not misconceive my letter as bearing any expression of displeasure towards him. I think him too deceived. I wish him to regard me as his friend, and to confide both in my faith and attachment. I am willing to give him undoubted proofs of both. I will do nothing for the preservation of his interests against his will; but I will not hazard the safety and honour of our arms, nor sacrifice the Company's interests and rights, to the caprice of his advisers."

He adds, that his reputation may suffer from the delays that have taken place, and he desires that all Mr. Middleton's letters, in future, may be official, that, if necessary, he may make a public reference to them. It is impossible for any of your Lordships to read this letter without being convinced that Mr. Hastings was in a very high degree offended at the letter which Mr. Middleton had written to him; and it is equally clear that he does not impute to the Nabob the delays that had taken place. The letter written by Mr. Hastings to the Nabob produced an immediate effect. The Nabob thanks him for his advice, and promises to follow it, which he does.

Mr. Middleton in his evidence imputes all this versatility in the Nabob's disposition, to the influence of his personal favourites: I have not a doubt of the fact, and am convinced from the whole tenor of the evidence, that the Nabob was induced to act as he did, not to save the jaghire of his mother, but to prevent the resumption of the jaghires of his favourites. You have it in evidence, my Lords, that as early as March 1776, he urged his mother, through Mr. Bristow, to accept money in lieu of her jaghires, because, as he said, two rulers were too much for one country.

The noble and learned Lord furely does not mean to imprefs your Lordfhips with an idea that Mr. Haftings meant to compel the Nabob by force to refume the jaghires, or to take the treafures.—The troops under Britifh officers had been placed in Oude at the Nabob's defire, and for the protection of his country. It never was the intention of Mr. Haftings to ufe force, if we may judge from all that appears in evidence. On the contrary, Mr. Haftings moft exprefsly fays, that he will not interfere in the Nabob's internal government againft his confent, and that he is ready to withdraw the refident and all the troops that are in Oude, and to break off the connection between the two countries, if the Nabob defires it. I have fo fully explained already the nature of the compulfion ufed by Mr. Haftings, that I believe your Lordfhips are fully convinced it is very different indeed from that fort of compulfion defcribed by the noble and learned Lord.

The noble and learned Lord fuppofes that the oppreffions alledged to have been committed by Colonel Hannay, were the real caufe of the infurrections in September 1781. As the Manager who fummed up the evidence on this article profeffed to entertain the fame fentiments, I was led to a very minute examination of the evidence to this particular point. But fo far from finding any thing in it to juftify fuch a conclufion, I muft freely confefs, my Lords, that the fact of the exiftence of Colonel Hannay's oppreffions is by no means eftablifhed—It is mere idle rumour. Mr. Holt's evidence is fo very general, that I can make nothing of it. He went out a boy, between fifteen and fixteen years of age, with Sir Eyre Coote, in 1779; and in the next year he was in Barreetch and Gorrucpore. He knew nothing of the ftate of thofe countries prior to that period. He talks of feeing mud forts, bamboo prifons, where renters were confined for their balances. He fays, the country had, as he has heard, an unfavourable opinion of Colonel Hannay, and in converfation he has heard, that he was worth thirty lacks of rupees, or three hundred thoufand pounds fterling.

Captain Edwards's evidence is equally loofe and unfatisfactory to the point the Managers contended for. He had heard that the conduct of Colonel Hannay was oppreffive, but he could fpeak to no particular fact. Colonel Ahmuty fays, that he had heard reports of the inhabitants of Gorrucpore being much diffatisfied with Colonel Hannay, that he knows nothing of particular facts, as Gorrucpore was fo diftant from the place where he commanded: but, my Lords, he adds, " all the Gorrucpore diftrict were a rebellious people, and I believe were people who never paid any revenue to the Nabob without its being very feverely enforced.

In a very early period, long before Colonel Hannay went to Gorruepore, that province was deſcribed by the Britiſh reſident, as in ſuch a ſtate of anarchy and rebellion, that it could hardly be ſaid to make a part of the Nabob's dominions. Major Lumſdaine, who knew Colonel Hannay, and well the country he managed, ſpeaks of him in very high terms. There is nothing therefore upon the evidence that goes to a ſpecific fact of oppreſſion, committed by Colonel Hannay or his officers. Three of his officers, Major Lumſdaine, Captain Williams, and Captain Gordon, were examined at your Lordſhips' bar—Their teſtimony is perfectly clear, and fully proves that the Britiſh troops were oppoſed by forces in the Begum's pay. Major Macdonald, another officer of Colonel Hannay's, who is ſtill in India, diſtinctly ſtates in his affidavit, the hoſtile conduct of the eunuchs in the city of Fyzabad, and the critical ſituation in which he remained within fifteen miles of that city, for many days after the revolt of Cheyt Sing was circulated through the country. The notoriety of the rebellion of the Begum was ſuch, that one of the witneſſes at your Lordſhips' bar, Captain Wade, I think, on being aſked by a Manager if he was applied to to make an affidavit, ſaid, that if any one in India had called upon him for ſuch a purpoſe, he ſhould have thought they were joking.

Another point on which the noble and learned Lord has laid a conſiderable ſtreſs, I have really ſo fully explained already, that I am afraid of treſpaſſing upon your patience by going over the ground again. The noble and learned Lord ſays, that it ought to excite ſuſpicion when we find a man giving a falſe account of the motives of his own conduct. He ſays, Mr. Haſtings repreſents to the Court of Directors, and ſo ſtates it in his defence in the Houſe of Commons, that the treaſures were ſeized in conſequence of the reſiſtance made by the Begum to the reſumption of her jaghires. My Lords, I admit it fully that he does ſo ſtate it. But how? Mr. Middleton furniſhed the materials for the defence in the Houſe of Commons, and did ſo repreſent it, though he declared alſo in his evidence before the Houſe of Commons, and though he has ſworn before your Lordſhips that it was determined to reſume the treaſures before the jaghires were attacked. It is therefore beyond all queſtion a blunder, and a blunder, as I obſerved before, which the Managers have allowed Mr. Haſtings completely to correct, by inſerting in their evidence what they call his ſecond defence. I admit alſo, that the ſame blunder is committed in the letter to the Directors, of the 11th of February 1782, from the Board, and that Mr. Haſtings ſigned the letter, juſt after his return to Calcutta. But the Board refer the Directors moſt particularly to all Mr. Haſtings's letters,

and they say, that by those it will appear that it was to punish the Begum for her daring ill-conduct in resisting the resumption of the jaghires, that the Nabob resolved to seize her treasures. Now, my Lords, in the letters of Mr. Hastings, to which the Board refer the Directors, as containing complete information, that gentleman most expressly states that he strenuously encouraged and supported the Nabob in seizing the treasures, because the Begum had assisted Cheyt Sing during his rebellion, and so the Court of Directors fully understood it. To infer guilt therefore from a mistake of Mr. Middleton, or from the inaccuracy of the Secretary, in the wording of a general letter, is what I am sure, from the justice and honour of your Lordships, you never will do.

Upon the whole, my Lords, I do declare to you upon my honour, that after the fullest investigation of every allegation in this article, and comparing each most carefully with the evidence adduced in support of it, I am decidedly of opinion that Mr. Hastings ought to be acquitted of every part of the charge. Your Lordships will consider *quo animo* the acts were done, which are alledged to be criminal; and I think you will agree with me, that Mr. Hastings acted highly meritoriously in every part of his conduct relative to Oude.

The LORD CHANCELLOR said, it did appear to him that the Nabob shewed an unwillingness to resume the treasures and the jaghires of his mother; that as so much therefore of the charge was in his opinion made out, he could not conscientiously acquit Mr. Hastings of all blame; but what he had said was merely to justify his own vote, and not from a view or an expectation of influencing the judgement of any one of their Lordships.

The Bishop of ROCHESTER said, he could not give a conscientious vote of *Not-Content* to the question upon the proposition agreed to by both the noble and learned Lords, that the Minister of one country was not amenable to the laws of that country, if he procured an independent foreign Prince to do an act of injustice to one of that foreign Prince's subjects. Justice, in the eye of reason and morality, was due to every individual, whether the subject of a despotic Prince or a free Government. He quoted the writers on the *jus gentium*, and in particular *Grotius*, to support his argument on that point. He then referred to his own notes of the evidence, to prove that the treasures in possession of the Bhow Begum were, excepting one eighth (which by the laws and customs of Mahomedans were her property, as the widow of Sujah Dowla,) the actual property of the reigning Nabob, Asoph ul Dowla. His Lordship said, that the treaty, as it was called, of 1775, was actually usu-

rious, and would have been set aside on that ground by any court of law in Westminster Hall. The resumption of the jaghires was, in his opinion, a measure of sound policy, and the only measure that could afford a chance of restoring order to so distracted a Government as Oude. Whether the measure of seizing the treasures originated from the Nabob or from Mr. Hastings, made no sort of alteration, according to his view of the question. They had clearly forfeited their right to them. His Lordship then, from his notes, read extracts from some of the affidavits, and from the evidence given in Westminster Hall by Colonel Popham, Lieutenant Wade, Lieutenant Birrel, Captain Symes, Captain Grey, Mr. Shuldham, Captain Gordon, Captain Williams, and other gentlemen, which contained, in his opinion, a body of proof not to be resisted. No doubt could remain as to the rebellious conduct of the Begums, acting in the only way they could act, through their agents. To take it on another ground, and that the strongest possible—the Nabob owed the Company a large debt: Mr. Hastings, as Governor General, stood in the situation of the Nabob's principal creditor; he knew that the Nabob had sufficient to pay it in the hand of a third person, and he compelled the Nabob to take that property, so unjustly held from him, and apply it to the discharge of his debt to the Company among others. What was there illegal or unfair in a creditor's pursuing such a line of conduct? The acts therefore were justifiable without resorting to the plea of necessity; but the necessity had been proved in the clearest manner; and his Lordship had no hesitation in saying that Mr. Hastings saved India by the measure which he adopted in Oude, subsequent to the treaty of Chunar.

The question was then put, on Lord Thurlow's motion. The *Not-Contents* were declared to have it, and the whole charge was negatived by one vote.—Adjourned.

Wednesday, 18th March.

The Earl of GUILFORD said, that as their Lordships had made considerable progress in the case of Mr. Hastings, and might perhaps soon come to a determination, it would not be proper to interrupt them with other public business in the interim. He therefore should postpone the motion which he intended on Monday next, to Monday se'nnight, for which day he moved their Lordships to be summoned.—Ordered.

Thursday, 19th March.

No debate.

Friday, 20th March.

The Houfe refolved itfelf into a Committee at half paft three this day, when

Lord THURLOW rofe to lay before their Lordfhips the evidence as it appeared to him to apply to the charge of prefents, ftated by the Commons to have been received corruptly by Mr. Haftings in fome inftances, and in others in breach of an act of Parliament. His Lordfhip faid, that long before the return of Mr. Haftings to Great Britain, he certainly had formed a very high opinion both of his talents and of his fuccefsful exertions in the public fervice, during his very long adminiftration; and he had fully declared his opinion of this gentleman's character to their Lordfhips many years ago. He had met with nothing, on a clofer review of the particular meafures of his adminiftration, to induce him to change that opinion. But he confeffed that he looked upon the charge now before their Lordfhips as one which in all its parts deferved their moft mature and careful examination. He freely admitted alfo that he difliked prefents; when offered as benevolences from perfons of inferior ftations to Princes (and in that character Mr. Haftings certainly moved while in India,) they often merited the name of extortion; when tendered as prefents, they generally meant corruption. But at the fame time that he called upon their Lordfhips to fift the evidence to the bottom, it was not neceffary in fuch a Court, to caution them as judges to difmifs from their remembrance all that they had heard that was extraneous both to the evidence and the charge. Inferences were not to be received, and he was fure they would not be received by their Lordfhips as fubftitutes for proof. It had been often remarked, that if it were poffible to fift this bufinefs of the prefents, or if the evidence offered had been admitted, much more would have been difcovered than has yet been brought to light. Thefe obfervations were not to be attended to. Their Lordfhips would not be biaffed by the remark fo often repeated, that Mr. Haftings might have received many more prefents than thofe which are noticed in the charge. No: The Court would determine by the evidence, and by thofe inferences only which were fairly to be concluded from it. They were bound to believe, as the fact undoubtedly was, that by the induftry of the profecutors, and by the attention of the defendant's counfel, the whole truth was fully and completely before them.

The article, entitled Prefents, was divided into two parts, and the firft claufe in the charge applied to the prefent laft received; yet the Commons had very properly purfued a different mode in bring-

ing the ſubject before their Lordſhips. One year (1789) was employed by their Lordſhips in receiving evidence as to the preſents alledged to have been taken corruptly in the years 1772, 1773, and 1774.

The next year of the trial (1790) was employed in adducing evidence to prove the receipt of preſents in the years 1780, 1781, 1782, and 1783; that is, the preſents for which Mr. Haſtings has accounted to the Company: So that, in the intermediate period of ſix years, it is not charged that Mr. Haſtings received any preſent whatever. In the firſt period, that is, between 1772 and and 1774, Mr. Haſtings is charged with receiving three lacks and fifty-four thouſand rupees, as bribes for certain appointments which he made at Moorſhedabad in 1772. He is alſo charged with receiving four lacks and forty-four thouſand rupees from the Ranee Bowannee, who is the female Zemindar of Radſhaee, and with appropriating to his own uſe forty thouſand rupees a year, from the ſalary of the phouſdar of Houghly. Your Lordſhips will obſerve that he is ſuppoſed to have taken all this money in the ſtrongeſt ſenſe of the words, *moſt corruptly*; as bribes or brokage for appointments to offices.

The ſums taken at the latter period I ſhall now but barely mention, becauſe they will require a ſeparate conſideration entirely.— The firſt ſum was the two lacks taken from Cheyt Sing in 1780, which, by the mode of its being entered upon the public accounts, did appear to be the property of Mr. Haſtings. Whether, from circumſtances which I ſhall not now go into, that ſum was not ſo diſcloſed as to make it *bona fide* the Company's money the inſtant he took it, will be for your Lordſhips hereafter to determine.

The next is a receipt of two lacks from Patna, entered under the head of Durbar charges, and received in April 1781.

The next is a ſum of fifty-eight thouſand rupees entered alſo as Durbar charges, and it is followed by the large preſent of one hundred thouſand pounds, received from the Nabob Vizier by bills in 1781, which bills were not fully paid until March 1782. Theſe ſums were alſo entered under the head of Durbar charges. By being ſo entered, they immediately became the property of the Eaſt-India Company, and were open to any ſort of inveſtigation abroad or in England. Your Lordſhips will at once ſee that theſe charges involve a very different caſe from the former. I ſhall not go into them at preſent.

The laſt is the preſent from Nobkiſſen, which being in ſome meaſure different from the three preceding articles, will require a ſeparate conſideration alſo.

At the present moment, my Lords, I shall entirely confine my observations to the evidence which applies to the case of the presents alledged to have been received in the years 1772, 1773, and 1774; that is, to the presents which Mr. Hastings is charged to have received for corrupt appointments to offices in Bengal, by which he added nearly one hundred thousand pounds to his private fortune. I will confess to you, my Lords, that when a charge of this very serious nature was preferred by so great a body as the House of Commons, I conceived it to be most important indeed; I believed that those who framed the charge were prepared to support it by some strong evidence that had recently been discovered. Your Lordships all know, that the Legislature has often re-appointed Mr. Hastings to the high office of Governer General of Bengal subsequent to the period when the matter which forms this part of the charge of presents, had been very fully discussed in England. Your Lordships all know that in the year 1773, the minister of that day held up Mr. Hastings to the view of the House of Commons as a man who was proof against that sort of temptation, which a very great character had publicly said the most virtuous man was not able to resist. It is nearly nineteen years ago since I was called upon in another situation to consider and to give my opinion on one of the material points in the charge now under your Lordships' consideration. I did not therefore conceive, that facts which at that period were not deemed worthy of public inquiry, would, after the lapse of so many years, have been thought matter for impeachment, unless, which I supposed to be the case, some strong and decisive evidence on the points alluded to, had been discovered. In that case, I should have held the argument often urged, that twenty years had elapsed since the whole case had been referred to England, to have been fallacious and nugatory. No distance of time, no public service, no parliamentary appointments, ought to screen a man from punishment, who, charged with the government of an empire, has taken bribes for official appointments. I have therefore, my Lords, looked with all the diligence in my power, through the evidence which has been given in support of this charge.

With respect to the Rance Bowannee, from whom Mr. Hastings is accused of having extorted the large sum of forty-four thousand pounds sterling, there certainly is not one tittle of evidence to support the charge, nor can I find even the name of this person mentioned in any part of the evidence. No evidence has been offered to support another allegation. Mr. Hastings is charged with receiving four thousand pounds a year from the salary of Khan Jehan Khan, who was Phousdar of Houghly; but there is no evidence offered to

ſupport the charge, and conſequently, on both theſe allegations Mr. Haſtings muſt be acquitted.

The only remaining charge is, that in the year 1772, Mr. Haſtings corruptly received three lacks and fifty-four thouſand rupees, nearly forty thouſand pounds, from Nundcomar and Muny Begum, for appointing the ſon of the former Duan, and the latter guardian to the Nabob of Bengal.

Your Lordſhips will recollect that one whole year was employed in Weſtminſter Hall in this part of the charge; I will endeavour, therefore, as ſhortly as I am able, to lay before your Lordſhips the reſult of the evidence upon it, as it ſtrikes my mind.

In the month of May 1765, Lord Clive arrived in Bengal, and brought with him poſitive directions to enforce the execution of certain covenants which the directors had ordered their ſervants to enter into. By thoſe covenants every man was bound not to receive more than one thouſand rupees from any Prince, &c. in India without the conſent of the Council, nor above four thouſand rupees without the conſent of the directors. The Company, as the charge aſſerts, adopted this meaſure in conſequence of the extortions that had been practiſed under the plea of receiving preſents; and, my Lords, it is a ſingular fact, that, after all the laudable induſtry exerted in the year 1772, by a Committee of the Houſe of Commons to diſcover the perſons who had received preſents at the two great revolutions in Bengal, it did not appear that any preſent was received by Mr. Haſtings, though he had been confidentially employed both by Lord Clive and Mr. Vanſittart. In addition to the covenants, Lord Clive, in the month of September 1766, propoſed that every Governor ſhould take a ſolemn oath at the Mayor's Court in Calcutta, that he would not take a preſent for himſelf, beyond the amount ſpecified in his covenant. He gave to a Governor one and one-eighth per cent. commiſſion on the revenues. He took the oath himſelf. Mr. Verelſt, who ſucceeded him in January 1767, took it alſo. But the directors made a new arrangement, and gave the Governor thirty-one out of one hundred ſhares, in a commiſſion of two and a half per cent. on the revenues. This totally changed the nature of the oath. Mr. Cartier ſucceeded Mr. Verelſt in January 1770. He did not take the oath, and in April 1772, when Mr. Haſtings ſucceeded Mr. Cartier, the oath itſelf was become obſolete, which was the expreſſion uſed by a witneſs at your bar. The managers, I think, waſted a great deal of time, and very unneceſſarily, on this ſubject, in order to convince your Lordſhips, that Mr. Haſtings had predetermined to do all thoſe corrupt acts which they charge him with having done, and therefore evaded taking the oath. Now,

my Lords, I really think that any man who could commit the crimes alledged againſt Mr. Haſtings, would hardly heſitate a moment, to add the crime of perjury to the catalogue.

Lord Clive acquired for the Company, as your Lordſhips well know, the Dewannee of Bengal in 1765. It was his policy to draw what advantages he could from this grant through the medium of a double government. In other words, he not only preſerved all the Mahomedan forms, but he actually committed to Mahomed Reza Cawn the entire management of the revenues, and the adminiſtration of civil and criminal juſtice to the people. The Britiſh Government protected the country by its army, and received into the treaſury the public revenues that remained after paying twenty-ſix lacks a year to the Mogul, fifty-three lacks to the Nabob, and twelve lacks to his miniſter Mahomed Reza Cawn, who enjoyed the high title of Naib Soubah. It was the earneſt and preſſing advice of Lord Clive both to his ſucceſſor Mr. Verelſt and to the directors, that this ſyſtem ſhould remain entire in all its parts. He conceived that the intricacies in an Indian ſyſtem of finance were not to be unravelled by Europeans, and that the form of the double government was neceſſary to keep down the jealouſy of foreign nations.

This ſyſtem continued from 1765 until 1772; your Lordſhips well know that from various cauſes the promiſes of Lord Clive were not realized, and in fact, inſtead of Bengal yielding a balance of a million ſterling a year in favour of Great Britain, the income barely ſufficed to meet the expenditure. Under theſe peculiar circumſtances, my Lords, was Mr. Haſtings appointed to govern Bengal. Three or four days after he became Governor, in April 1772, orders of a very important nature were received from the directors, and your Lordſhips will ſee that this detail is neceſſary to the complete knowledge of the caſe, becauſe the preſent charge originated from the manner in which Mr. Haſtings executed theſe orders.

He was directed, in concert with his council, to deſtroy the whole fabric of the double government. He was to collect the revenues, and to take every meaſure connected with them through the agency of the Company's ſervants. In ſhort, my Lords, he was to form a ſyſtem for the government of Bengal, under inſtructions ſo general, that I may fairly ſay, the whole plan was left to his judgement and diſcretion.

In addition to theſe orders, which neceſſarily involved the diſmiſſion of Mahomed Reza Cawn from his office of Naib Soubah, a letter was written to Mr. Haſtings himſelf, and which in the event of his death was not to be opened by any other perſon, direct-

ing him immediately to issue orders for seizing the person of Mahomed Reza Cawn, his family and dependents. He was farther directed to order him to Calcutta, and to try him, on the charges of having embezzled the public revenues, monopolizing rice during the famine, and for leaving a balance unpaid, from the time of his having been the renter of the province of Dacca.

Mr. Hastings was farther directed to employ Nundcomar in detecting the mal-practices of Mahomed Reza Cawn, and to afford him the degree of countenance necessary to effect this purpose. The directors add, they were confident, that the perfect knowledge Mr. Hastings had of the man's character, would prevent him from giving him any improper degree of power.

In the execution of these severe orders, Mr. Hastings appears to have acted with every possible degree of tenderness and humanity. He wrote himself to Mahomed Reza Cawn, expressing his concern for his situation; and to the gentleman who was entrusted with the charge of taking him prisoner, he recommended every kindness and attention that could be shewn to him, consistent with the literal and strict obedience of the orders. Mahomed Reza Cawn was brought down to Calcutta. Nundcomar was employed by Mr. Hastings; but the infamous means to which he resorted in order to convict Mahomed Reza Cawn, were so apparent, that Mr. Hastings tells the directors his own character had suffered, he was afraid, by the support which he had given to Nundcomar; but he adds, to your wishes I have sacrificed my own feelings. In the end, my Lords, Mahomed Reza Cawn was fully acquitted; and though your Lordships have heard Mr. Hastings accused in Westminster Hall of treating him with harshness and injustice, Mahomed Reza Cawn himself was sensible, as appears by the evidence, that he owed his honour and his life to the justice and impartiality of Mr. Hastings.

I will now state to your Lordships the plan adopted by Mr. Hastings for the future government of Bengal, in the adoption of which he provided for the son of Nundcomar, and exposed himself to the present accusation. It was determined that a Committee of the council should proceed to Moorshedabad; Mr. Hastings was president of that Committee; he left Calcutta in May, and returned in September, having been about two months and a half at Moorshedabad. During his absence, he formed an arrangement, new in all its parts. The lands were let on leases of five years. Courts of Justice were established throughout the provinces; the seat of government was removed to Calcutta, with all the necessary offices, the records, &c. In short, in every measure taken by Mr. Hastings, he appears to have acted systematically, and with a view of

convincing the natives that the Governor and Council of Bengal would in future manage all the details of government. In the courſe of the various diſcuſſions which neceſſarily employed Mr. Haſtings and his Committee, they were to conſider in what manner they were to obey the orders which the directors had ſent them, for appointing another miniſter in the room of Mahomed Reza Cawn. The directors had conceived ſuch an appointment to be neceſſary, as well for tranſacting occaſional buſineſs with the Nabob, as to be the medium of communication with the French, Dutch, and Daniſh Governments in Bengal. After very mature deliberation, and well conſidering how far a liberal execution of theſe orders would derange the new ſyſtem of things, Mr. Haſtings determined, and with very great propriety I think, to diſobey them; and ſo far the managers have made good their charge. He obſerved, that if any ſingle miniſter was to be appointed, with a ſalary of three lacks of rupees a year, which was the order, it would convey an idea to the natives, that the office of Naib Soubah ſtill ſubſiſted: That it was unneceſſary for the mere purpoſe of being the channel of communication with foreign nations; and therefore he determined to divide this ſalary amongſt three perſons. Muny Begum, the widow of Meer Jaffier, was appointed guardian of the young Nabob, and ſuperintendant of his houſehold; Goordaſs, the ſon of Nundcomar, was appointed Duan; and Rajabullub, Roy Rayan of the Khalſa. The Board fully approved of two of the appointments; but, ignorant of the motives which induced Mr. Haſtings to propoſe Rajah Goordaſs, they oppoſed his appointment, on account of the notoriouſly infamous character of his father Nundcomar. The majority however concurred with Mr. Haſtings, and all the appointments were confirmed. The charge goes upon an idea, that Muny Begum was really intruſted with great power in the government of the country, and ſhe is deſcribed in it as a perſon wholly unfit to govern the Nabob's dominions. The manager who opened the charge, ſo argued it too; but, my Lords, the whole evidence proves the truth of Mr. Haſtings's aſſertion when the appointment took place, that in fact ſhe would have no authority beyond the walls of the zenana. She applied to him for certain privileges heretofore enjoyed by the perſon acting as guardian to the Nabob. By allowing them, Mr. Haſtings would have given her ſome power, and, in language perfectly polite, he declined compliance with any of her requeſts. In his letter to the directors, Mr. Haſtings fully explains his reaſons for all his actions: He tells the directors that the uncle of the Nabob was the only perſon who could have had a ſuperior claim to Muny Begum to the appointment in queſtion, and his reaſons for

preferring the Begum are so clear, and indeed so unanswerable, that I am confident every one of your Lordships will be convinced of the perfect propriety of his conduct. As soon as the directors had received an account from Mr. Hastings, of the various transactions which were crowded into the first six months of his administration, they sent him a letter of thanks, and expressed their complete approbation of all he had done, adding particularly, that they fully approved the appointment of Muny Begum. Your Lordships therefore will consider, that though the Commons have proved that Mr. Hastings disobeyed the Company's orders, it is proved also that in their opinion he had considerably improved upon the plan which they had prescribed.

The arrangements thus approved were submitted to the inspection of Parliament in 1773, and to the Minister of that day they appeared to do Mr. Hastings so much credit, that he proposed to nominate him the first Governor General of Bengal, under the regulating act of that year. The new Government took place in Bengal in October 1774; and your Lordships have it in evidence, that the first three months were spent in discussing the political measures which Mr. Hastings had adopted in that and the preceding year. The unfortunate dissentions in the Council began, in fact, on the second day that the Board assembled.

But it was not until the month of March, 1775, that any measure was brought forward which pointed at the private character of Mr. Hastings. On the 11th of that month, a letter was brought to the Board by Mr. Francis, which he said was delivered to him publicly by Nundcomar, who required him, as a Counsellor of the State, to deliver it to the Board. Your Lordships have all read the letter, and a more extraordinary or a more insolent production never appeared undoubtedly, nor one which carried falsehood upon the face of it more strongly. After stating his services; the promises which Mr. Hastings had made to him, to induce him to discover the embezzlements of Mahomed Reza Cawn, which he says amounted to nearly three millions sterling; the breach of Mr. Hastings's promises; the enmity which he had since shewn him, and which he avows to be his motive for what he is going to relate; he strongly insinuates that Mr. Hastings had received immense sums from Mahomed Reza Cawn, Sittabroy, and others. He adds, "Having so far written generally, I now come to particulars,"— and then he states, that at various times in the year 1772, Mr. Hastings had received the sum of three lacks and fifty-four thousand rupees from himself, his son Goordass, and Muny Begum, in consideration of making the appointments which I have already men-

tioned to your Lordſhips. After the letter had been read through, the Board adjourned, Mr. Haſtings having very properly, in my mind, obſerved upon the ſingular circumſtance of a member of the Government preſenting ſuch a letter to the Council.

At their next meeting another letter was ſent in by Nundcomar, deſiring to be confronted with Mr. Haſtings, and to bring proofs of his charges before the Board. In the ſame letter he tells the Board that he warned former Governors of the conſequences of attending to their own intereſt, and not of that of the Company. My Lords, it is impoſſible to read ſuch a letter, and the proceedings which followed, without admitting that there was at leaſt much indiſcretion in the conduct of the majority, who wiſhed to call Nundcomar before the Board. Mr. Haſtings declared that he would not ſit at that Board, the firſt Britiſh ſubject in India, to be confronted with ſuch a miſcreant as Nundcomar; that the propoſition was made with a view to inſult, to degrade him, and to proclaim the annihilation of his power to all Hindoſtan; but he added, which is very material for your Lordſhips to conſider, that in a Committee of the Board they might hear all that Nundcomar had to ſay, and they might inſtitute any proceſs they pleaſed. The Board perſiſted, and Mr. Haſtings declared the Council diſſolved.

Here, my Lords, the evidence ends. What paſſed after Mr. Haſtings had diſſolved the Council, your Lordſhips, as Judges, cannot know, except in ſo far as the proceedings are alluded to in thoſe letters from Mr. Haſtings and the majority to the Company, which are in evidence. But it is an hiſtorical fact, my Lords, and perhaps I may fairly be allowed to mention it, that all the information given by Nundcomar to the majority was ſubmitted to the law officers of the Company in Bengal, who did not recommend any proſecution in India, but adviſed the Board to tranſmit every paper, and all the evidence, to the Company, who might, if the matter were worthy of their notice, file a bill againſt Mr. Haſtings, and compel a diſcovery. Theſe documents arrived at a time when it certainly was the anxious wiſh of the Miniſter to take any fair and reaſonable ground he could for the removal of Mr. Haſtings. The papers were all ſubmitted to the law officers of the Company, who declared that the information of Nundcomar, even upon the *ex parte* caſe before them, could not poſſibly be true. The reaſons for that belief were aſſigned at length: The Directors, though a majority of them were very well diſpoſed to oblige the Miniſter, concurred with their law officers, and all that rubbiſh and traſh remained unnoticed from 1776 to the year 1789; when, as your Lordſhips know, it was repeatedly preſſed upon you by the Ma-

nagers, as containing proofs of the corruption of Mr. Haſtings, and it was very properly rejected by the Court. It was never pretended by the Managers that they had evidence to go a ſtep beyond this rejected information of Nundcomar: and here, my Lords, I cannot avoid ſaying—Hard fate of Mr. Haſtings!!!—The gentlemen of the majority were ſo indiſcreet, ſo far I think I may ſay, as to write to the Directors, in March 1775, that though Mr. Haſtings then called Nundcomar a miſcreant, he had been high in his confidence, and cloſely connected with him before their arrival: I ſay it was indiſcreet, my Lords, to ſend ſuch intelligence to the body, in obedience to whoſe commands alone it was owing that Nundcomar was employed at all, or even admitted into the preſence of Mr. Haſtings. To ſend ſuch a letter to a body, who had been told by Mr. Haſtings above a year before, that he had every thing to expect from the malignity and diſappointed ambition of Nundcomar, who had hoped to riſe on the ruin of Mahomed Reza Cawn. I ſay, my Lords, the fate of Mr. Haſtings was hard indeed; placed as he was by the Directors in the ſacred character of a Judge, he took every poſſible means to determine fairly and juſtly on the accuſation againſt Mahomed Reza Cawn. The acquittal gave general ſatisfaction, though Nundcomar preſumed to ſay, he imputed it to the baſeſt corruption.

I come now, my Lords, to the next point in this charge, on which your Lordſhips muſt decide: It is fully proved—Mr. Haſtings himſelf never denied the fact—I mean the receipt of a lack and a half of rupees for zeafut, a Perſian word for entertainment, which was paid to Mr. Haſtings from the treaſury of the Nabob of Bengal, and entered on the public accounts of his treaſury in the year 1772.

It is neceſſary to ſtate the circumſtances which led to the diſcuſſion of this ſubject; they are curious, and ſhew the unhappy ſpirit which prevailed at the time in the Supreme Council. In the month of May, 1775, a man employed in the treaſury by the Begum, brought a number of accounts to an Engliſh gentleman, and by thoſe, he ſaid, it would appear that part of the Nabob's money for many years paſt had been embezzled. The information having been given to the Supreme Council, they immediately diveſted the Begum of her appointment, and deputed Mr. Goring to Moorſhedabad, to ſeize all her papers, containing the accounts of the Nabob's expenditure from the year 1764 to 1772. This gentleman was to deliver over the accounts, after he had ſeized them, to three commiſſioners. Soon after his arrival at Mooorſhedabad, he ſent a letter of two lines to the Board, incloſing a written declaration from the Begum, that

ſhe had paid a lack and a half of rupees to Mr. Haſtings. His conduct, on the receipt of this information, was exactly what any man would have held. He expreſſes his ſurpriſe that Mr. Goring, who was entruſted with a limited commiſſion, and that commiſſion not to examine accounts, but to deliver them to others, ſhould have ſelected this item for tranſmiſſion; he deſires the Begum to be aſked if the ſum was paid by agreement, by application from him, or in conſequence of eſtabliſhed uſage and cuſtom? The anſwer is clear and deciſive. Every Governor, ſhe ſays, coming to Moorſhedabad, received two thouſand rupees a day in lieu of proviſions; beyond that ſhe had not given a ſingle cowrie, and every payment would appear upon the record. Now, my Lords, as the record alluded to was in the poſſeſſion of Mr. Goring, and was to undergo a cloſe inſpection by three commiſſioners, it is abſolutely impoſſible to believe that Mr. Haſtings did receive any other ſum beyond that which he never for a moment denied that he had received. Mr. Goring ſpeaks out fully, and with great ſincerity explains the buſineſs. Mr. Haſtings had requeſted that he might be deſired to account for ſo partial a ſelection. Mr. Goring, in reply, on the 3d of June, ſaid, the Begum gave the account, on being earneſtly preſſed by him to ſtate how the deficiency aroſe. He humbly begs pardon of the Board if he has exceeded his duty; but adds, "The extraordinary confidence you were pleaſed to repoſe in me, and the unlimited power attending it, moved me to exert myſelf to the utmoſt, that the intent of my appointment might not be entirely fruitleſs."

Now, my Lords after this frank and plain declaration, your Lordſhips muſt all be convinced that the real object of Mr. Goring's appointment was to obtain for the majority a full account of all the ſums which Mr. Haſtings had received at Moorſhedabad; your Lordſhips muſt alſo be fully ſatisfied that the only ſum which Mr. Haſtings did receive, was two thouſand rupees a day, for zeafut or entertainment, agreeably to eſtabliſhed uſage. The Managers affirm in the charge, and have ſo argued it, that this was a ſum received for an appointment to office, and if it were ſo received, it is a crime of a moſt ſerious nature, deſerving the marked condemnation of your Lordſhips. But I cannot find one line of evidence on the proſecution which invalidates the declaration of the Begum, that it was given agreeably to eſtabliſhed uſage.

Colonel Monſon ſays, he has heard that it has been an eſtabliſhed uſage for perſons of diſtinguiſhed rank, when reſident at the courts of Eaſtern Princes, to have large ſums of money paid them for their table expences; that Mr. Haſtings can ſatisfy the Direc-

tors whether he did so receive this sum, or whether he has charged his expences to the Company while he was at Moorshedabad.

Now, my Lords, the Managers have given evidence to prove that the travelling expences of Mr. Hastings and his suite to and from Calcutta were paid; the whole amount does not exceed three thousand pounds; and there is also a general charge for the Committee of Circuit, which cannot be applicable to Mr. Hastings. It is perfectly clear, therefore, that the expences of Mr. Hastings while at Moorshedabad were not defrayed by the Company. The evidence for the defendant carries the matter but one step farther. It relies on the Begum's declaration that all Governors received a similar allowance, and the counsel prove, that as often as the Nabob was in Calcutta, he received from the Company one thousand rupees a day for zeafut. But in the evidence in reply, the Managers for the Commons fairly and candidly, and much to their honour, produced evidence which the counsel of the defendant, with all their industry, had not been able to discover. The Auditor of the India House being called by the Managers, read from a book of public accounts, a statement of the allowances made to Lord Clive first, and next to Mr. Verelst, when they were at Moorshedabad as Governor; and no doubt, therefore, can remain as to the truth of the Begum's declaration, that every Governor, while at Moorshedabad, received the same allowance as Mr. Hastings. With this body of evidence before you, I do not believe that any one of your Lordships will think that the Commons have made good any part of the charge of presents, stated to have been corruptly received in the years 1772, 1773, and 1774. The payment now in question is expressly charged to be a bribe. The evidence certainly disproves the charge. But the Commons have given evidence to shew the partiality of Mr. Hastings towards the Begum, from whence they would infer some corrupt understanding between them. It no where appears in the evidence that she had embezzled any part of the Nabob's money. All will appear, she says, upon the records, and she seems to be completely justified. Your Lordships heard, and with much pain, I am sure, a great deal of coarse invective uttered against this lady. She was described as a dancing girl—a common prostitute—a dealer in spirits; and many other epithets were applied to her, which I shall not enumerate; but I certainly have taken some pains to trace, as far as I could, both from the evidence and the history of the times, the real situation of this lady. I find that the only authority on which she has been called a dancing girl by the Manager, is a letter written from a man of the name of Nunçd Roy to General Clavering, in which he tells the General, "Every day's news is

tranſmitted to you"—and then he incloſes a paper, which contains what he calls the hiſtory of Muny Begum ; ſtating that her mother being poor, ſhe ſold her to a miſtreſs of dancing girls ; that ſhe came to Moorſhedabad, danced before Meer Jaffier, who took her to his houſe, where ſhe became the mother of the Nabob Nudjum ul Dowlah. Here the ſtory ends. This young Nabob died in 1766, above the age of twenty ; ſo that, if credit is to be given to any part of the intelligence of Nuncd Roy, Muny Begum has been at leaſt half a century in a very elevated ſituation. She was a woman of high rank when we were mere merchants in Bengal. Lord Clive deſcribes her ſo far back as 1765, as the widow of Meer Jaffier, and upon the credit of her teſtimony he received a legacy of five lacks of rupees, as a bequeſt from her late huſband Meer Jaffier, which the noble Lord appropriated as a fund for the half pay of the Company's officers and ſoldiers. In her teſtimony ſhe ſtates that Meer Jaffier her huſband had expreſsly directed her to pay this money to Lord Clive on his arrival in Bengal, and, after receiving her own ſettlement, to diſburſe the remainder in the manner he had directed. Your Lordſhips will find this tranſaction fully detailed in one of the Reports of the Houſe of Commons.

It appears from the evidence, that in 1771, Mahomed Reza Cawn, giving an account to the Governor of the wives of Meer Jaffier, repreſents the deceaſed mother of Meeran as the firſt and moſt reſpected amongſt them. He then mentions Muny Begum as the next ; but her ſon, who was Nabob of Bengal, being dead, and the mother of the reigning Nabob ſtill alive, it was proper, in Mahomed Reza Cawn's opinion, that theſe two ladies ſhould be deemed of equal rank. Your Lordſhips ſee by the evidence in what light ſhe was eſteemed by Mr. Haſtings and his Council.—The Directors ordered her to be diſmiſſed from the office, to which Mr. Haſtings re-appointed her, at the expreſs application of the Nabob in 1778. She was accordingly removed in 1780 ; and the next evidence reſpecting her, is a letter from Mr. Haſtings to the Directors, dated in November, 1783, incloſing a repreſentation from the Begum of the ſituation which ſhe had filled, the reſpect in which ſhe had been held in Bengal for ſo many years, and the hardſhips which ſhe had ſuſtained in conſequence of the unfortunate differences in the Supreme Council. If your Lordſhips, from curioſity, ſhould be inclined to peruſe this letter, you will find it in page 1092 of the Evidence. It was produced by the Managers ; and a more temperate, affecting, and dignified letter I never read. It proves that, whatever ſituation ſhe may have filled in her very early life, if it be true that her origin was low, ſhe was well calculated to

fustain with the utmoft decorum and propriety the high rank to which fhe had been elevated by Meer Jaffier. Time having foftened thofe prejudices by which this lady had fo feverely fuffered, the Court of Directors, with a humanity and a fenfe of juftice which well became them, referred this reprefentation to Lord Cornwallis, from a conviction that the noble Marquis would determine upon the merits of this lady with the ftricteft impartiality; and accordingly, my Lords, it appears in evidence, that a penfion was fettled upon her of ten thoufand rupees a month, about twelve thoufand pounds a year; which was within a mere trifle of the extent of her requeft. Thus, my Lords, has this lady received fome compenfation for the injuries which fhe had formerly fuftained; and after having held the rank of the firft woman in Bengal for near forty years, the wife of one Prince, the mother of another, and the guardian of two other Princes; after having feen her hufband the abfolute Sovereign of Bengal, and the family of her hufband originally receiving fifty-three lacks of rupees a year, which has now been brought down to fixteen; fhe will at leaft have the fatisfaction, in her latter days, of being relieved from every apprehenfion of perfonal wants, or perfonal indignities. Your Lordfhips, I hope, will excufe me for having detained you fo long on this part of the cafe. You will recollect that the Commons deemed it fo weighty and important, that they employed four days in opening it in Weftminfter Hall. I have examined all the evidence with the utmoft attention of which I am capable, and I am convinced that it is abfolutely impoffible for your Lordfhips to determine that the Commons have made good any part of the charge. The lack and a half of rupees, it is clear, was not received as a bribe for an appointment to office; confequently it is not that crime which the Commons charge. It was a compliance with an eftablifhed ufage, and would have been received equally, if no arrangement had been made in 1772. I have been the more particular alfo, my Lords, in fumming up all the evidence in this cafe, becaufe the Manager (Mr. Fox) who replied on this charge, and of whofe acutenefs and abilities I have a very high opinion, profeffed himfelf to be convinced that the Commons had proved the charge of corruption in this inftance moft completely. I will not detain your Lordfhips longer than to move, "That the Commons have made good the fixth article, as far as it relates to a corrupt receipt of three lacks and fifty-four thoufand rupees in the year 1772."

The LORD CHANCELLOR faid, he fhould detain their Lordfhips but a very few moments, not meaning to go into the circumftantial detail that the Committee had heard fo ably ftated by

the noble and learned Lord. He was perfectly ready to admit that the Commons had totally failed in making good any part of the charge, except the receipt of the lack and a half of rupees, which Mr. Hastings had admitted to be true; and even though the fact of his having received the lack and a half was proved, yet there certainly was no proof that Mr. Hastings had received it as a consideration for an appointment to office, which be concurred with the learned Lord in thinking would have been a crime of a very heavy nature indeed. He was induced to think that if this article had stood alone, the Commons would not have charged it. It was mixed with others, of which, under their Lordships' rules, no evidence could be given. It had been distinctly proved by the managers that it was usual for Governors to receive two thousand rupees a day while at Moorshedabad; and the money paid first to Lord Clive, and next to Mr. Verelst on the same account, was in evidence. As there was no ground therefore to believe that Mr. Hastings had prolonged his stay one day at Moorshedabad with a view of putting two thousand rupees in his pocket, he certainly should concur with the noble and learned Lord; but he confidently hoped that this practice, which however custom might have justified in some degree, no longer obtained in India. He would propose, in preference to the learned Lord's motion, to put it, That the Commons had made good the sixth article, as far as it related to a corrupt receipt of presents in the year 1772, 1773, and 1774.

Lord THURLOW consented to the amendment. The motion was put, and negatived, *nemine dissentiente*.

Monday, 23d March.

The House being resolved into a Committee,

Lord THURLOW immediately rose, to state to their Lordships the nature of the second division of the charge of presents, and to adduce the evidence which had been given upon it, by the managers, and the defendant's counsel.

He observed, that the last day on which the Committee sat, their Lordships had determined, *nemine dissentiente*, that the Commons had not made good the first branch of this charge, namely, the receipt of considerable presents, for brokage and bribes for the sale of offices, the most odious and disgraceful species of corruption that could be charged against a public man.

The present accusation, said Lord Thurlow, is in its nature very materially different. We are now, my Lords, to consider Mr. Hastings's conduct in receiving presents between the years 1780 and 1784, to a very large amount, for the use of the Company,

as he contends; but, as the managers in argument have contended, for his own use; though at a subsequent period, as they say, fear induced him to apply them to the public service.

If the managers have succeeded in proving that Mr. Hastings received these presents, intending to apply them to his own use, then Mr. Hastings must be found guilty, and will be punished, as he very well deserves to be. But on the other hand, if your Lordships shall be of opinion that he *bona fide* intended, at the time the several presents were received, to apply them in the manner they actually were applied, to the public service, then you will have to consider the construction which the managers have put upon the act of 1773, by which, as they say, it became criminal to receive presents for the Company's use. You will also have to consider whether the mere breach of that statute could now be a matter of impeachment, since the clause relative to the receipt of presents was repealed in 1784.

I do not recollect that the manager* who summed up this charge on the part of the Commons laid that particular stress on the breach of the law at that period, which he did in summing up the evidence in reply, when it was very strenuously contended, that Mr. Hastings must be convicted upon the breach of the law, even if your Lordships should be of opinion that each present was received with the clearest determination to appropriate it to the use of the Company. It was also contended, and evidence was brought to prove, that Mr. Hastings, in receiving these presents, had acted against his own recorded opinion of the true sense and meaning of the act of 1773. Now, my Lords, it has happened in this instance as it has in so many others, that the evidence produced did in fact prove the reverse of the manager's assertions. It appears very clear to me, that Mr. Hastings and the council in Calcutta, and the directors, and His Majesty's Ministers at home, construed the act in this way—that British subjects in India might receive presents for the Company's use, though they were interdicted from receiving them for their own use. This appears perfectly clear from what actually passed relative to a present from Sujah Dowlah to a brigade of British forces in the year 1774. Mr. Hastings said, that the act actually precluded the officers from accepting that present, but advised its being received as a deposit in the Company's treasury; and he promised the army to recommend their case strongly to the Court of Directors. The present was received from Asoph ul Dowlah, lodged in the Company's treasury, and distributed by an order of the Court of

* Mr. Fox.

Directors, which order was approved by the Board of Controul, while the noble Lord who now sits in the chair at your table, was a Member of that Board, and his name appears to the letter of approbation.

It will not therefore be contended here, though it was in Westminster Hall, that Mr. Hastings has held two opinions as to the true intent and meaning of that act. He took presents every year of his government, either of small amount, or to a considerable value, and brought them to the Company's credit.

The presents which yet remain to be considered differ in some circumstances: I shall therefore follow the rule so wisely laid down by your Lordships, and take them up separately.

The first is the present from Cheyt Sing, received in June 1780. Your Lordships will see that this present is entered as a deposit in the Company's books; that is, as a sum at the command of Mr. Hastings, and making part of his private fortune. Now, my Lords, Mr. Hastings must be convicted on this head, unless, on a fair and full view of all the evidence, it shall be made out, to the satisfaction of your Lordships, that he really made that sort of disclosure of this present as soon as he had received it, as absolutely precluded him from the power of converting it to his own use. I will endeavour, as shortly as I can, to state the effect of the evidence to your Lordships, as it strikes my mind. In the month of June 1780, Mr. Hastings proposed to the Council the plan of an expedition into the province of Malwa. He expected by this expedition to draw Madajee Scindia from Guzzerat to the defence of his own dominions; and in that event, it would have been a very powerful diversion in favour of General Goddard; or that it would produce the ultimate object which Mr. Hastings hoped to attain by the expedition—a peace with the Marattas, to which he supposed Scindia would be adverse, as long as he was himself at the head of the Maratta armies, and as long as his own dominions should remain uninvaded. This plan was opposed by Mr. Francis and Mr. Wheler, who formed the majority, notwithstanding the very uncommon earnestness with which Mr. Hastings entreated them to leave the conduct, as they had thrown the responsibility, of the Maratta war upon him. At the close of his proposition, he uses these remarkable expressions: "I wish I could stake my life on the success of the expedition." Whether it would have been better for the majority to have submitted their opinions to that of Mr. Hastings, cannot be matter of doubt, because the expedition did take place at a period somewhat later, and did actually produce all those beneficial consequences which Mr. Hastings had predicted from its adoption.

It appears, my Lords, from the evidence, that, after this proposition was rejected, Mr. Hastings sent for the Buxey of Cheyt Sing, who had offered him a present of two lacks of rupees some time before. There is some difference in the statement of the ground on which this present was offered. Mr. Larkins says, that it was offered on a plea of atoning for the past misconduct of Cheyt Sing, though really with a hope of its inducing Mr. Hastings to wave in future the demand of the subsidy. Mr. Hastings in his defence says, that he fully explained to Sadanund the propriety and justice of the war subsidy; that he told him it never would be given up while the war lasted; but on the restoration of peace this extra payment would no longer be demanded. He says that he received the fullest assurances in the name of the Rajah from Sadanund, of strict obedience in future, and an offer of a present of two lacks of rupees, accompanied by apologies for his former ill behaviour. Mr. Hastings goes on to say that he cordially accepted his apologies, but declined the present. On the refusal of the majority to consent to the proposition of Mr. Hastings, it appeared to him, that the only objection urged against the measure, was the extra expence which would be incurred by it. On his return therefore from the Council he sent to Sadanund, and told him he had reconsidered his master's offer, would accept the money, and desired him to pay it to Mr. Larkins. He requested Mr. Larkins to receive it, to send it to Mr. Croftes the treasurer, and he informed Mr. Larkins that it was a sum that had been offered to him, and which he accepted for the Company, in order to remove the objections which had been urged by Mr. Francis and Mr. Wheler to the expedition against Malwa.

This was on the 21st of June; on the 26th Mr. Hastings again submitted the subject of the expedition to the consideration of the Board, and with a degree of earnestness that must convince your Lordships it was a point, in his opinion, on which the fate of India depended, as in fact it did. In his minute he tells the Board, that they do not appear to have offered any reasonable objection to the plan, except that it would be attended with considerable additional expence.

"The objection made to the expence (says Mr. Hastings), is a material one; but a vigorous exertion cannot be made without expence, nor can the war be concluded honourably, or prosecuted successfully, without such an exertion. Feeble measures, and advances for peace, will but add to the strength and presumption of our adversaries, discourage our friends, and, perhaps, induce them to become parties against us."

In another part of his minute he says, "The part which this

government has hitherto borne in the war is mine; the other members having repeatedly disclaimed their share in the responsibility attending it. It is hard, that while they load me with the weight of such a charge, they should bind my hands, and deny me the means of supporting it."

He concludes his minute, my Lords, by stating, that whether the troops which he proposes to employ in the invasion of Malwa are in the field or in cantonments, their pay must be the same; that the contingent expences, therefore, are all which can fairly be charged to the expedition. Those contingencies he rates high, when he supposes they will amount to two lacks of rupees: That sum, he says, he is desirous to contribute to carry his measure, to which he hopes there can no longer be an objection; and he adds, that he has already deposited it within a small amount, in the hands of the sub-treasurer.

The majority still persisted in their opposition; and there is a circumstance which ought to follow in the evidence, but by some accident it does not, and therefore I shall state it, not as making part of the case, but leaving it to your Lordships to give the circumstances what consideration you may think they deserve. Mr. Markham was examined in Westminster Hall on this present: He declares himself to have been privy to it at the time, refers to the evidence which he had given on the subject in the House of Commons, and says it would save time if that were inserted as his answer. I presume, my Lords, that a copy of the evidence given in the House of Commons was not at hand. The Commons went to another head of examination, and it is left in this imperfect way upon your Lordships' minutes I have looked at Mr. Markham's evidence before the House of Commons, and I find that he very fully details the communication made to him by Mr. Hastings, relative to this present. The conversation happened immediately after the rejection of Mr. Hastings's last proposition to the Council, and he expressed his concern to Mr. Markham, that he had accepted the present from Cheyt Sing, since he could not now make the use of it that he had intended. It was by an accidental omission of all the parties, as your Lordships must perceive, that the complete evidence is not upon your minutes. My Lords, the next communication of this present was to Mr. Sulivan, and it was sent by a foreign ship in August 1780, with liberty to Mr. Sulivan to make any public or private use of it he pleased. From all these circumstances, which are in evidence, I think it appears most clearly, that Mr. Hastings never had the most distant idea of appropriating this money to his own use. There was a fourth communication, which Mr. Hastings supposed

he had made of this present, though, in point of fact, he had not made it; but, in the way it strikes me, it gives great weight to the preceding evidence. Major Scott received a letter from Mr. Hastings, dated the 7th of December 1782, some time in the month of May 1783, and he underwent a very long examination before the Select Committee of the House of Commons, which, by the desire of both the parties, was read to your Lordships. It appeared, that on being asked whether he knew from whom the several sums were received, that Mr. Hastings had accounted for to the Company, he said, that one of the sums was from Cheyt Sing; and he read a part of a letter from Mr. Hastings to him, in which he says, "You may remember the two lacks which I received from Cheyt Sing, to defray the expence of Camac's detachment." Major Scott deposed, before your Lordships, that no communication had been made to him of this present, because he had left Mr. Hastings's family at the time it was received, and was on his way to Chunar. I infer from this, my Lords, that Mr. Hastings had no conception of keeping the matter secret; that, supposing Mr. Scott to have been in his family at the time the present was received, he conceived he had communicated it to him, as he certainly would have done, had Mr. Scott been at Calcutta at the time.

Your Lordships will find, that the next communication of the present was made in a letter from Mr. Hastings to the Court of Directors, dated the 29th of November 1780. The observations which were made upon this letter, both on the part of the managers and the counsel for the defendant, will lay me under the necessity of detaining your Lordships some little time on this very material part of the case: When Mr. Hastings offered to pay two lacks of rupees for the extra expences of Major Camac's detachment, his offer was so worded, that his Council would naturally suppose he meant to give this money from his own private fortune. It was absolutely necessary for him, therefore, to order the money to be entered as a deposit: But to the Directors, in this letter, he says, "the money was not my own, and I neither could nor would have received it but for your benefit." Now, my Lords, you will determine, whether, after the various communications which Mr. Hastings had made of this present, it was possible that he could have had an idea of converting it to his own use; because he had ordered it to be entered as a deposit, if he did so order it, or because, without any special directions from him, it was entered as a deposit, in his name, in the Company's books.

I will now proceed to the other parts of this letter of the 29th of November 1780: The managers produce it in the front of their

evidence, for the exprefs purpofe, as they fay, of falfifying it, in all its parts—an expreffion rather rafh, and ill-confidered. It is a very long and important political letter, reprefenting, in very forcible language, fome very interefting circumftances. The firft paragraph of the letter I have already mentioned: It goes on to ftate the alarming fituation of India at that moment—the meafures he had taken to repel the dangers that furround them; and then he mentions the circumftance of thirty thoufand horfe being on the weftern frontier of Bengal. He tells the Directors what fubfequent events proved to be true; that though Moodagee Boofla was compelled to join the confederacy againft the Englifh, he was really fo far from being hoftile to the government of Bengal, that nothing but the laft neceffity would induce him to proceed to extremities againft us. He reprefents the diftrefs which fo large an army had fuffered, from the want of pay, and the danger under fuch circumftances, of any accidental commencement of hoftilities. After full confideration, he fays, that he had taken upon himfelf to fend three lacks of rupees privately, to the commander of this army, who was the fon of Moodajee Boofla, and he had promifed him a larger fum, provided any fervice was performed by the army, which fhould juftify him in relieving their wants. Your Lordfhips will remember, that a very large detachment was at this moment on the point of proceeding to Madras, and their route lay through that part of Moodajee Boofla's territories, in which this body of thirty thoufand horfe were then encamped, profeffedly for the purpofe of invading Bengal. Mr. Haftings goes on to ftate, that though he could carry the point of fending this fupply of three lacks in Council, yet he knew he could not carry it without oppofition; and therefore he had fent the money privately, and had taken the entire refponfibility upon himfelf. When the managers faid they meant to falfify this letter in all its parts, it was natural to expect that fome evidence would have been offered to difprove all thefe important communications. Mr. Haftings proceeds to ftate, that of the fupply of three lacks, thus fent to the Berar army in Cuttack, he had raifed two thirds by his own credit, and had fupplied the other third by cafh in his hands, belonging to the Company. Now, my Lords, this was undoubtedly a miftake, and a miftake which a more cautious man would not have committed. Whether in common candour it fhould not have been deemed a mere miftake, and excufable in a man writing without accounts before him, when his whole mind was engaged on fubjects of the utmoft importance to the Britifh interefts in India, your Lordfhips will determine. The fact was, that two thirds of the fupply fent to Moodajee Boofla, was money in his hands, belonging

to the Company, and the other third was money raised on his own credit; that is, his own money, because, if he borrowed it, he made himself accountable for the sum borrowed. The managers have not told your Lordships any possible motive which Mr. Hastings could have had for practising this deception; nor have they observed, that if Mr. Hastings himself had not corrected the blunder, it would not have been in their power to have discovered it. In good truth, I should suppose that the real motive for reading this letter at all, was to introduce the story of the bonds, which not being in charge, could not have been introduced but under this sort of cover. So much has been said of those bonds, that, though nothing which has a relation to them is in charge, I shall endeavour to state all that appears upon the subject. For the three lacks sent to the Berar army the 3d of October 1780, Mr. Hastings, on the 5th of January 1781, applies to the Board for three bonds, as if they were all his own property. He desires to have bonds for two lacks, on a loan, bearing an interest of eight per cent, the principal and interest payable in Bengal. This was, in fact, the Company's money, being the present he had received from Dinagepore, which is not in charge. For the third bond, which was his own property, he desires a bond to be liquidated, by bills upon England, payable in five years, and which the managers have proved were duly paid to his agents in England. Mr. Hastings took another bond for one lack and a half of rupees, being the amount of a present which he had received from Nuddea, and paid into the Company's treasury on the 23d of November 1780. This bond is not in charge, but I mention it, because the observations made on the two bonds for the Dinagepore pesheush, apply to this also; and they are all included in the account which accompanied that letter of the 22d May 1782, which is in evidence; and having been the subject of so much animadversion, I will endeavour to state the whole as distinctly as possible: Your Lordships will remember, that, in the letter of the 29th of November 1780, Mr. Hastings told the Directors that he had received two lacks of rupees in June, which he had deposited in the treasury. This was the present from Cheyt Sing. On the 20th of January 1782, he wrote to the Directors that he had received a present of ten lacks from the Nabob Vizier, in September, by bills, which had been in part realized, and expended in the public service. He assures the Directors, that the remainder of that present, when received, shall also be expended in the public service. He returned to Calcutta on the 22d of May 1782: By that time the whole of the present had been received; and, on the 22d of May 1782, he writes a letter to the Directors, in which he gives

an account of all the presents that he had received: These consist of two lacks from Dinagepore, one and a half from Nuddeah, two from Cheyt Sing, two from Patna, ten from the Nabob Vizier, and fifty eight thousand rupees from Nundolol: These several sums, when converted into current rupees, make something more than nineteen lacks, or about two hundred thousand pounds sterling. He informs the Directors that these sums were taken at times when the Company very much wanted them; that none of them passed through his hands; that for the first sums (Dinagepore and Nuddea) he had taken bonds.—He says, if he were asked why he took bonds for those sums, he should answer, that he took them, in order to conceal the receipt from public curiosity; or possibly acted from any studied design, which his memory, at that distance of time, enabled him to state. The departure of the packet, by which this letter was intended to go, was delayed from May to December, in the daily expectation of receiving from Poona the ratification of the Maratta peace. In the intermediate time, that is, between May and December 1782, when the Packet did actually sail, Mr. Hastings received an account from England of the strange proceedings which had taken place here; for your Lordships will recollect, that, early in May 1782, a resolution was moved, and voted in the House of Commons, That it was the duty of the Directors to remove Mr. Hastings from the government of Bengal, on an idea that he had forfeited the confidence of the Princes in India. This resolution, the proprietors had the manliness and the good sense to resist; and they have since had the satisfaction of hearing their resistance applauded by the gentleman (Mr. Dundas) who made the motion for the recall of Mr. Hastings, who declared in his place in the House of Commons, that, by resisting his resolution, the proprietors had preserved India to Great Britain. To obviate the suspicion of having been induced, by the events which had happened in England, to discover the receipt of these presents, the letter of the 22d of May 1782, was opened, and an affidavit, sworn by Mr. Larkins, before one of the judges in Calcutta, was put into it, which proved that the letter and account were both written on the 22d of May, on an idea, that the Packet would sail immediately. Mr. Hastings writes another letter on the 16th of December 1782, in which he tells the Directors that the affidavit is sent with the letter for the purpose which I have mentioned; and he says in this last letter, that the sources, from whence these supplies, so necessary for their service, were obtained, could have been obtained in no other way. That, if he had had a wrong motive (meaning obviously if he had meant to put the money into his own

pocket), he could have concealed the receipts from theirs and the public eye for ever. He adds, that if he has been wrong, he gives up that security which those enjoy who commit crimes or errors; he is ready to answer any question which the Directors may put to him, upon honour or upon oath. This letter, my Lords, reached England in the month of May 1783, and no notice was taken of it to Mr. Hastings, though the subject of much remark, and of one very long report to the House of Commons, until the 16th of March 1784, which was after the India bill of Mr. Fox had been thrown out, and, under a new Administration, a letter was written to Mr. Hastings, by the Directors, in which they tell him, that they do not doubt his integrity; on the contrary, that having received these presents, they approve of his having paid them into the Company's treasury: But, as he had voluntarily offered to answer any questions, and as the account was in many parts unintelligible to them, they desire to be informed, at what periods the several sums were received; why he concealed the receipt from the Council and the Court of Directors, and why he entered some of the receipts under the head of deposits, and took bonds for other sums.

This letter arrived in Bengal in the month of September 1784, when Mr. Hastings was in Oude. He returned to Calcutta on the 5th of November, and quitted India on the 9th of February following, without replying to this letter; and in candour your Lordships will believe, when you consider the multiplicity of business which he had to transact prior to his resignation, that he really had not adverted to this particular paragraph. He landed in England in June, and went soon after to Cheltenham. Being reminded by Major Scott that he had not answered this paragraph, he wrote a letter from Cheltenham to the Directors, replying to the three questions which had been put to him. This letter also has been very much commented upon; but your Lordships, weighing the whole as honourable and impartial judges, will not forget that he wrote on matters of account without an account to refer to, in reply to a letter of the Directors, and not in reply to that article of impeachment which was preferred against him two years after. He tells the Directors, that as far as he can recollect, he will inform them; that, if the information which he gives is not sufficient, he refers them to Mr. Larkins for farther information on the points they had mentioned, as the channel for making any farther investigation they thought proper, as that gentleman was acquainted with the whole transaction. He says, he believes the sums were received at or very near the time they were paid into the treasury, but that Mr. Larkins will be able to answer the question exactly, as he possesses, according to his

belief, the only memorandum which he ever kept of the tranfaction. This was an anfwer to one queftion: To the fecond, he fays, he really does not know why a fum was entered as a depofit, poffibly without any directions from him, as he had avowed the tranfaction to them on the 29th of November 1780, that is, Cheyt Sing's prefent.

Why he took bonds for two of the fums (that is, the Dinagepore and Nuddea bonds) he cannot fay more particularly than he had already done. But he is confident that he intended to conceal all the receipts from them, until the magnitude of the fum received from the Nabob made it impoffible to conceal that prefent; he then anfwers a queftion which he fuppofes they might have afked—That prior to July 1780, he indorfed the three bonds, to prevent their being a charge upon the Company in the event of his death. With this information it appears, my Lords, that both the Directors and the Board of Controul were fatisfied, for they made no farther inquiries. But Mr. Haftings, anxious to give as complete an anfwer as he could to the queftions which the Directors had afked him, wrote himfelf to Mr. Larkins, and requefted him to fend to the Chairman that memorandum which was in his poffeffion, and which contained an account of the periods when the feveral fums were received: My Lords, this application to Mr. Larkins produced the letter of the 5th of Auguft 1786, and that account was inclofed in it, upon which your Lordfhips have heard fo many comments in Weftminfter Hall. And here I cannot avoid making an obfervation, which I am fure muft have occurred to your Lordfhips, and to which every honourable man fitting as a judge will give the attention it deferves. Though this fubject of prefents has taken up fo many years in the difcuffion, the managers have never been able to this moment to procure a tittle of evidence beyond what Mr. Haftings himfelf has furnifhed them with. I own, when I confider all that has happened in the laft twelve years, I am much ftruck with that part of Mr. Haftings's letter to the Directors, of the 16th December 1782, in which he tells them, "If I had a wrong motive, I could have concealed the receipt of thefe fums from yours and the public eye for ever."—I believe the affertion to be ftrictly true.

I have but one fubject more to mention, my Lords; and though not at all applicable to any matter in charge, it was dwelt upon with fo much force by one of the managers, Mr. Fox, in the reply the laft year, that it is well worthy your Lordfhips' moft ferious attention. You will recollect that for thofe fums which are not in charge, Mr. Haftings took bonds; in the account inclofed in his letter of the 22d

of May 1782, he says that these bonds remained in his possession, with an indorsement on each, that he had no right to either principal or interest, and that he had not received any of the latter; it did not appear by this statement at what period the bonds were indorsed: Mr. Hastings told the Directors that they were indorsed prior to his leaving Calcutta in the month of July 1781: But desirous in this instance, as in all the others, to give every information required, or to verify his own assertions, an application was made to Lord Cornwallis by the authority and at the desire of Mr. Hastings, for those bonds to be sent to England; and they arrived at the India House in the year 1789. Your Lordships well remember the remarks made upon this subject in the following year by the managers; for the fact turned out to be, that the bonds were not really indorsed until the 29th of May 1782, that is, seven days after the letter of the 22d of May was written. My Lords, the managers spent no inconsiderable time in endeavouring to convince your Lordships, that this blunder proved the guilt of Mr. Hastings; possibly your Lordships as judges may draw a different conclusion: It is certainly a question of inference; and after weighing the matter fully, I confess that I do draw a conclusion, the very reverse from that of the managers. Why did Mr. Hastings tell the Directors that he had indorsed the bonds prior to the 7th of July 1781, unless he really conceived he had done so? The Directors asked him no question as to the date of the indorsement, and no possible advantage could result to him from the assertion of so foolish a falsehood. You must go further, my Lords, if you believe with the managers, that Mr. Hastings told a falsehood, in order to mislead the Directors. You must ask, what motive could induce Mr. Hastings to send to Bengal for evidence to expose his own falsehood? You must conclude that he wrote what was not true, for the mere pleasure of detecting himself in a falsehood. When Mr. Hastings addressed your Lordships, at the close of the year 1791, he expressed his surprise and concern at the many mistakes which he had committed; and he naturally enough, I think, imputed these mistakes to his having written on matters of account, without an account before him; for he adds, that if there had been one circumstance more strongly imprinted on his memory than another, it was this, that prior to his leaving Calcutta in July 1781, he had indorsed those bonds; that it was he himself who sent to Bengal for the bonds to verify the fact which he had asserted, but having discovered his error, he was almost afraid to hazard a conjecture. He presumed however that he must have confounded two distinct things; that in point of fact he had left the bonds with Mr. Larkins to deliver up to the Company in the event

of his death, Mr. Larkins having known from the first, that the bonds were not his property.

My Lords, the unprecedented length of this trial enabled the Court to have the benefit of the evidence both of the Marquis Cornwallis, and Mr. Larkins. The nature of the evidence of the latter gentleman, given in reply, in the last year, induced one manager (Mr. Burke) to affirm, that the guilt of Mr. Hastings was now so apparent that he must wish for mountains to cover him: Another manager (Mr. Fox), who summed up the evidence in reply, with that ability which so much distinguishes him, contended that the guilt of Mr. Hastings was fully established by the evidence of Mr. Larkins; and, my Lords, I am very ready to agree, that if Mr. Larkins's evidence had really been what the manager said it was, this conclusion was inevitable. The Commons would have fixed an indelible stain upon the character of Mr. Hastings; though your Lordships could not have convicted him on a point which is not in charge. "The manager said, that Mr. Hastings, not supposing "it possible that Mr. Larkins should arrive in England in time to "give evidence on this cause, had taken the advantage of his absence "to affirm most positively, that from the first Mr. Larkins knew "the bonds not to be his property; and as Mr. Larkins was a man "of acknowledged integrity, high in the confidence of Lord Cornwallis, and in great esteem with the Directors and the Board of "Controul, Mr. Hastings had conceived that your Lordships would "infer his innocence, from the circumstance of having communicated these private receipts of money to a man of so high and fair "a character. Mr. Larkins however had sworn to your Lordships, "that he did not know the bonds to be the property of the Company, "until the 22d May 1782, consequently Mr. Hastings had asserted what was not true; and it was impossible for the most credulous man alive, or the man most warmly attached to him, to "believe that he had made such an assertion with any other view, "than to cover his own guilt."

My Lords, I have read over the evidence of Mr. Larkins with the utmost attention; possibly it was not printed when Mr. Fox spoke, or he might have confided in a syllabus drawn up by the agents, or he might have trusted to the impression, which, from a partial attention to Mr. Larkins when he delivered his evidence, remained upon his memory. I will endeavour to state to you the result of Mr. Larkins's evidence on the point in question, which, after a long examination in chief by the Managers, a cross-examination by the Defendant's counsel, and a re-examination by the Managers to this particular point, is, that Mr. Larkins cannot recol-

lect being told by Mr. Hastings prior to the month of July 1781, that the bonds in question not being his property, were to be delivered up in the event of his death; that he by no means will swear that he was not so told, though he thinks it is a circumstance that could not have escaped his memory; that these bonds were always in his custody; that the private books of Mr. Hastings were also in his custody; that these bonds never were entered in those private books, which they would have been, had he not known that they stood in some peculiar light: That the first year's interest became payable upon these bonds while Mr. Hastings was absent from Calcutta, and unless he, Mr. Larkins, had received some intimation from Mr. Hastings to the contrary, he certainly should have received the interest due upon these bonds. He did not receive it. To various questions on this point Mr. Larkins gives a similar answer—expresses his concern that he cannot at so great a distance of time recollect what intimation Mr. Hastings gave to him, but is confident he did receive some directions from him. Now, my Lords, the fair conclusion which a judge will draw from this evidence must be, that Mr. Hastings had done what he says himself, he did do. He had told Mr. Larkins, as soon as the bonds were granted, that they were granted for money belonging to the Company. There can be no other cause assigned for the conduct of Mr. Larkins. A man of business, personally attached to Mr. Hastings, would not have neglected to receive the interest due upon these bonds: A man of business would not have neglected to enter them in his books, as part of his private fortune. Mr. Larkins is both a man of business and personally attached to Mr. Hastings. The fourth bond that Mr. Hastings took from the Company at the same time for one lack of rupees, was for his own money, as Mr. Larkins has proved: That bond was entered in his private books, and has been completely liquidated in England.

I have to apologize to your Lordships for the length of time that I have intruded upon your indulgence; but as I conceive we are now upon the most material part of the whole case, I have endeavoured to state the evidence upon it as clearly as possible, after having repeatedly read it with the closest attention. With respect to those sums for which bonds were granted, your Lordships will see, by comparing them with the account inclosed in Mr. Larkins's letter of the 5th of August 1786, that one lack and a half was received as a peshcush from Nuddea, and two lacks as a peshcush from Dinagepore. The Commons were possessed of this informarion two months before they presented the impeachment at your Lordships' bar; but they did not think proper to charge Mr. Hastings with

criminality, either for receiving these presents, or for taking bonds for them, or for giving no account of the balance which remained on the Dinagepore caboolcat: But there is no part of the case on which both the Managers and the Defendant's counsel have argued so much at length: I have therefore examined the evidence, and considered the arguments with all the attention in my power. With respect to the charge now under consideration, the receipt of the present from Cheyt Sing, my opinion decidedly is, that Mr. Hastings ought to be acquitted of the suspicion of an intention to appropriate that money to his own use. If, from the evidence before the Court, or from inferences from that evidence, I could be induced to believe in my conscience that he intended, though but for a moment, to apply one rupee of it to his own use, I should certainly vote in the affirmative for the motion which I shall now have the honour to submit to your Lordships, and to which I shall certainly say *Not-Content.*

Lord Thurlow then moved, That the Commons had made good the sixth article, in so far as related to the sum of two lacks of rupees, corruptly received from Sadanund, the buxey of Rajah Cheyt Sing.

The LORD CHANCELLOR began a very long, argumentative, and eloquent speech, with laying it down as indisputable, that, independent of the act of Parliament of 1773, for a President of a Council, or a Governor General in India, to take a present from a person connected with, or dependent on him, was a crime by the common law of England. In like manner in the case of bribery, to give or accept a bribe was a crime at common law, independent of the various statutes in existence on the subject of bribery. His Lordship referred to the Statute 5 & 6 Edward VI. cap. 16. against buying and selling offices, and drew an inference from it, in support of his arguments respecting acts, which were of themselves crimes at common law, antecedent to the passing of any statute respecting them. An act of Parliament might, he said, annex fines and penalties, and provide means to render detection and legal conviction more easy, but it did not constitute the crime, nor alter the nature and quality of the act itself. His Lordship said, that however they might have differed on other parts of the charge, there could not be a shadow of doubt, that the Commons had made good all the remainder of this article. Mr. Hastings had accepted various sums from different persons, as appeared from the evidence and his own admission, which having been all given to procure general favour, the receipts of those sums by him was highly criminal, nor did the law require in this case a more minute parti-

cularity in drawing up the article, than was to be found in the impeachment; and the reason was obvious—the transaction in each instance was *prima facie* a crime, because the motive and principle which actuated the mind of the giver, and influenced him to make the offer, was clear, evident, and undeniable; nor could it be for a moment mistaken by the receiver, because common sense would tell him when the offer was made, for what purpose it was made, and he must know that by receiving it, he gave the person giving, reason to expect, that by the present he had purchased a right to consideration and favour, either in some particular instance then in agitation, or that might be in agitation on some future occasion.

Having thus emphatically stated what he maintained to be the point of law respecting the presents received by Mr. Hastings, his Lordship proceeded separately to examine and discuss the circumstances of each, and to compare them respectively with the evidence in the view in which it appeared to him to apply. He began with the present of two lacks of rupees from Cheyt Sing, received by Mr. Hastings from Sadanund, the Raja's buxey, and this he traced from the first tender of it on the part of Sadanund, with the Governor General's subsequent consent to its payment to Croftes, through the hands of Larkins, in whose hands it lay as a deposit for the Company's use; but it was not rendered applicable to their service till some years afterwards. His Lordship dwelt for some time on the whole of this transaction; he stated the conduct of Mr. Hastings at the Board, when he proposed to march a detachment under Major Camac into the province of Malwa, in hopes to draw Mhadajee Scindia from Guzzerat, and thus lay a foundation for peace.

He said, Mr. Hastings's proposition was rejected by the Council when it was made, and yet he suffered the money to remain in the shape of a deposit, as he called it, in the hands of Mr. Croftes, the Company's sub-treasurer in Calcutta, for years together. He referred to the letter of Mr. Hastings to the Directors of the 29th November 1780, in which he declares, "that the money tendered by him to the Board to defray the expence of Major Camac's detachment, was not his own property, but had been received by him for the use of the Company: He farther explains his motives for buying off the troops of Berar under Chimnagee Boosla, and states that he caused three lacks to be delivered to the Raja of Berar, two thirds raised by his own credit, the other supplied from cash in his hands belonging to the Company." His Lordship asserted, that nothing could be more evasive or unsatisfactory than this letter, in which the Governor General neither informed the Directors when he received the money, where he received it, nor from whom he

received it. Not did he state any one circumstance explanatory of the transaction with Sadanund, the first tender of the present, his rejection of it, his subsequently consenting to take it, the mode of its being paid in by the buxey of Cheyt Sing to Larkins, and from him to Croftes, nor any other particular that could give the Directors a clear idea of a matter, which upon the face of it was involved in doubt; and if the present were received with a pure motive, and an intention on the part of Mr. Hastings, from the first, to apply it to the Company's service, why was the transaction enveloped in unnecessary mystery?

His Lordship detailed the history of the bonds, made out in consequence of the letter of the Governor General to the Council, of January 5, 1781, agreeable to the minute of January 9; and argued from the letter of Mr. Larkins to the Chairman of the East-India Company, August 5, 1786, in which an account is given of the bond, No. 89, that Mr. Hastings had by no means established that part of his defence relative to this transaction which he had delivered in to the House of Commons. He referred also to the Directors letter of January 25, 1782, in which they disapprove of the nature of the transaction, and contended that, in consequence of that disapprobation, Mr. Hastings ought immediately to have communicated all the circumstances respecting the present received from Sadanund, on the part of the Raja Cheyt Sing. His Lordship laid great stress on the length of the period which Mr. Hastings suffered to escape, before he actually turned the deposit of the two lacks in question over to the use of the Company, declaring that circumstance alone in his conduct not only questionable but highly blameable, and deserving censure of the severest sort, considering how soon it was after the money was paid in to Mr. Larkins by the Raja's buxey. Mr. Hastings knew that the Council would not accept of it, for the purpose to which he had proposed to apply it, viz. to the service of Camac's detachment, with a view to lay the foundation of a peace with the Marattas. Upon the whole, his Lordship said, regarding the charge respecting this present from Sadanund, in every possible view that the evidence tended to give, he thought that Mr. Hastings could not stand excused on any pretext of reason or justice, but that he had been convicted in the clearest manner of the crime alledged by the Commons.

His Lordship next proceeded to discuss the charge respecting the present of ten lacks of rupees from the Nabob, stated by Mr. Hastings to the Directors in his letter of the 20th of January 1782, which donation, he informs them, was made in part only and *privily paid*. In order to prove that this description of the circum-

ſtances of the preſent was not true, his Lordſhip referred to the letter of Mr. Haſtings to the Directors of the 22d May 1782, to the account referred to in that letter, to the affidavit of Larkins, to the letter of Mr. Haſtings to the Directors of December 16, 1782, to the defence and narrative of Mr. Haſtings, and to the evidence relative to the three bonds delivered on January 17, 1785, to Larkins's affidavit reſpecting them, and to the evidence of Mr. Wright, who on his examination in Weſtminſter Hall, on the 18th of February 1790, produced one account, ſhewing that upwards of eight lacks of the Chunar preſent were received before the end of January, and another account ſhewing the appropriation of the ſums received, compriſed in the above-mentioned account. His Lordſhip pointed out ſeveral contradictions between the account that Mr. Haſtings gave of theſe bonds, and all the relative particulars. He obſerved, that in Weſtminſter Hall the counſel for the Defendant particularly laboured their defence of the bonds, as well thoſe to which this part of the article referred, as thoſe in the ſubſequent charges comprehended in it; but although they had undoubtedly diſplayed a conſiderable ſhare of ingenuity, they had produced nothing like conviction on his mind. After enlarging upon each particular, and reaſoning much at length upon the circumſtances of the caſe at large, he contended, that taking the account as favourably for Mr. Haſtings as it could be collected from his defence and narrative, and from the ſtatements of Mr. Larkins, there remained a conſiderable ſum, not leſs than one lack and a half of rupees, out of the amount of the preſent from the Nabob of ten lacks, as yet wholly unaccounted for.

After ſome reaſoning upon the Dinagepore peſhcuſh, and ſtating why he thought that conſtituted a part of the money received from Nundoolol, and paid in by Mr. Haſtings, when he furniſhed the money ſent to Chimnagee Booſla (which opinion his Lordſhip reſted on the various accounts ſtated in the ſeveral accounts contained in the letter ſent by Mr. Larkins to the Directors, dated Auguſt 5, 1786,) the Lord Chancellor came to that part of the article which contained the charge againſt the Defendant, relative to his tranſactions with Kelleram, a renter under the Company. In tracing the particulars of this charge, his Lordſhip referred to the letter of Mr. Haſtings to the Council at Patna, of July 23, 1780, deſiring them to ſend down Kelleram to Calcutta; to the minute of Council, on the 14th of November 1780, when Mr. Haſtings introduced to the Board propoſals from Kelleram for farming Bahar, which he recommends to the Board's acceptance; to the letter of the Patna Council, of the 27th of November 1780; to the minutes of the Coun-

cil, of December 19, which state the comparative settlement made by the Patna Council, and the other by Cullian Sing, and the agreement to accept Cullian Sing's proposals on terms explained to Kelleram, which he accedes to for Cullian Sing; to the minute of March 30, 1781, containing the resolution to appoint and confirm Kelleram Naib; to the evidence of Mr. Hudson, to shew that no security besides a common caboolcat was taken from Kelleram, as renter of the province of Bahar; and to the evidence of Mr. Young and Mr. Anderson, touching the characters of Kelleram and Gunga Govind Sing, and the particulars of the four lacks, which rumour said had been given to Mr. Hastings by Cullian Sing, and of which he gave notice to Mr. Hastings. Though rumour was in general a common liar, his Lordship said, that rumour in this instance spoke the truth, for four lacks were received from Kelleram, through the hands of Gunga Govind Sing. He proceeded to reason very minutely on the appropriation of these four lacks, and declared his conception of it to be extremely different from that of the noble and learned Lord who had just sat down.

His Lordship stated in what particulars the difference between his idea of the appropriation of the money in this and the former instance of the supposed Dinagepore peshcush, and the idea of the noble and learned Lord, consisted; contending that not more than five lacks and a half, or six at the utmost, out of nine lacks and a half received, appeared to be accounted for by the Governor General. He adverted in the course of his argument (which in a great measure consisted of statements governed by arithmetical comparisons and data) to a variety of the lesser relative particulars, such as the abolition of the Provincial Councils, appointment of Gunga Govind Sing Dewan to the Committee of Revenue, when the Naib Dewan was Prawn Kishen his son, and the Naib Canongoe was Gunga Govind Sing, to the importance and nature of those offices respectively, &c. &c.

His Lordship said, that Mr. Hastings did not give up the bonds, or the deposit note, until January 1785; so that the affairs of the Company appeared for several years worse than they really were, and at a time when it was of consequence to give them full credit for all their assets of every kind.

Having dilated much at length on every part of the charge relative to the transactions of Mr. Hastings with Kelleram, his Lordship lastly called their Lordships' attention to the charge on the subject of the conduct of Mr. Hastings with Nobkissen, which he stated circumstantially, and animadverted upon with great pointedness and severity, declaring that it did not appear to him that a shadow of ex

cuse could be pleaded in palliation even, much less in defence of conduct so open to the imputation of corruption, as that of the Defendant in this instance. Mr. Hastings's own account of the transaction was this: "In the year 1783, when I was actually in want of a sum of money for my private expences, owing to the Company not having at that time sufficient cash in their treasury to pay my salary, I borrowed three lacks of rupees of Rajah Nobkissen, an inhabitant of Calcutta, whom I desired to call upon me with a bond properly filled up; he did so, but at the time I was going to execute it, he entreated I would rather accept the money than execute the bond. I neither accepted the offer nor refused it, and my determination remained suspended between the alternative of keeping the money as a loan to be repaid, and of taking it, as I had done other sums, to the Company's use. His Lordship said, it was scarcely in the human imagination to conceive in possibility a transaction more unaccountable, more scandalous, or more unjustifiable in a Governor General, to such an individual as Nobkissen. He says in his defence, he wanted money, and he sent to a notorious money-lender to borrow three lacks of rupees. The man comes, brings him the three lacks, and when he is about to fill up the bonds, he desires him rather to accept the money than execute the bonds.

He then says, he neither accepted nor refused the offer, but determined to suspend his decision upon the alternative; and to prove that this was his determination, what does he do? He does the essential act, he takes the money, keeps it, and lets the man depart without the bonds, or any legal security whatever. The idea of borrowing this money came into the head of Mr. Hastings while he was at perfect leisure, sailing up the Ganges, and he carries it into execution in the manner that he had stated. Was it possible for their Lordships for a single moment to hesitate in pronouncing this a disgraceful and a fraudulent transaction? Supposing a case of a similar nature, he would even put one of himself in the situation in which he had the honour unworthily to be placed. Let their Lordships suppose that he, being, as Mr. Hastings in his defence stated himself to be, in actual want of a sum of money for his private expences, were to send to a solicitor in Chancery, and desire him to bring him a thousand pounds, and upon his bringing him the money, he were about to execute a bond for that amount, and the solicitor were to offer him the money as a gift, and he were to take it, without having given the solicitor in question a legal security for it, of any kind whatsoever, and proceed to apply it to his own private purposes, would any man living believe, that he was not from

that moment under the influence of the solicitor, that he could not be conscious that he was so, that whenever he came before him as a suitor in a cause, his countenance and the recollection of the transaction would not operate as a check upon his conduct, and tend inevitably to warp and bias his decree, and thus subvert and destroy every principle of impartial decision, equity, and justice? Let their Lordships recollect, that they had upon their own journals precedents of impeachments founded solely upon the charge of money corruptly taken by persons in high offices, of a nature similar to that alledged in the charge then under consideration, and precisely analogous to the case that he had put hypothetically respecting himself. Nay, it was upon record, that prosecutions had been instituted, and convictions obtained, followed by exemplary punishments, in cases where the parties had gone no farther than to presume to make the tender of a present, or as it might more justly and in plainer language be termed, a bribe to a person in high office, the nature and powers of which necessarily implied, that he would be abundantly able to make an ample, but indirect return in future. After pursuing this mode of reasoning with infinite ability and force for a considerable time, his Lordship reprobated, in terms equally severe, the manner in which the Defendant had attempted to get rid of this money of Nobkissen's as a private present to himself, and to place it to the Company's account, by making out a list of antiquated claims, being not only disbursements of long standing, but of state equipage and pageantry, aids-de-camp, and expences never before thought of as matter of charge by a person in any situation like to that held by Mr. Hastings, but charged by him in the Durbar accounts of the year, by way of *set-off* against the sum privately received from Nobkissen. Another circumstance struck him as very extraordinary: That the Governor General of Bengal should want money because he had not received his salary, when it was well known that from his situation he might have paid himself with the utmost punctuality, was most unaccountable: There was nothing like proof of the assertion being true. Mr. Hastings had offered no evidence to their Lordships on this point. His Lordship said, it could not be contended that this part of the defence was written by some other person; it was very short, and he must take it as Mr. Hastings had given it; and he must argue upon it, as written by Mr. Hastings himself, which it certainly was.

After a considerable share of close reasoning upon this part of the case, his Lordship again touched on the essential facts in each charge to which he had adverted, and said, that with respect to the present of ten lacks of rupees, received from the Nabob Vizier, and which

Mr. Hastings had appropriated, as he said, to the public service; the fact did not by any means appear to him to be clearly ascertained. Upon the very face of the account, above a lack and a half of rupees was stated to be a balance in Mr. Hastings's hands. It did not appear that he had paid that balance. There was also in the account four lacks and a half of rupees sent to the resident of Benares, which, for any thing that appeared, might have been repaid to Mr. Hastings, as well as the five lacks sent to the army, and placed under the head of military charges. As to the present from Cheyt Sing, the learned Lord said it did not appear to him now, whether the Company had ever got it. The noble and learned Lord said, and indeed Mr. Larkins had sworn so, that the sum brought to credit in November, 1780, under the mhors of different sorts coined in the mint, was this present. Now, their Lordships knew, that Mr. Hastings, as Governor, had been for years in the habit of receiving small presents, called nuzzirs, and bringing them to the credit of the Company. It appeared to him that this payment of "mhors of sorts," which was made in November, was really the produce of these presents, or nuzzirs, as these were called.

Having in a summary way reinforced his argument, his Lordship declared, in treating the whole subject, he had been speaking as solemnly and as seriously as he would have done, if trying a cause in one of the courts in Westminster Hall, and delivering a charge to a jury; he had no feeling of a personal nature, no motive of ill-will to the defendant, nor any wish but to serve the cause of natural and national justice, and to pronounce judgement according to the evidence, and his conviction of the result of the trial. Having said this, his Lordship gave it as his opinion, that the several matters of a criminal nature to which he had referred, might as well be comprehended in a general question, "That the Commons had made good the whole of the residue of the sixth article; and the reason why he thought so was, that the facts criminally alledged throughout the article, and proved in evidence, constituted only one general crime, viz. that of corruption; the several matters alledged, and substantiated by the written and parole evidence were nothing more than so many overt acts, or instances in proof of the general charge. On that consideration he had taken the trouble to go through the whole residue of the article, and should not, unless it should be made necessary by others, trouble their Lordships again respecting it, having, for which he found himself bound to apologize, detained the Committee so long already. His Lordship concluded by saying, that he would not move the general question,

which he had taken the liberty to ſuggeſt, if the noble and learned Lord wiſhed rather to divide the article into parts, and to make each part of the ſubject a ſpecific queſtion.

The Earl of MANSFIELD declared he had the misfortune to differ in opinion upon the preſent occaſion from both the noble and learned Lords. He would not attempt to adopt a doctrine ſo odious as that of endeavouring to juſtify a crime, by collecting a good intention from the uſe made of the produce of the crime ultimately; a more monſtrous doctrine, or one more repugnant to every principle of juſtice, he could not well conceive. Painful as it was to him to declare his opinion, ſince, in a certain degree, that opinion was unfavourable to Mr. Haſtings, yet his ſenſe of public duty compelled him to do it. According to his conſtruction of the law, Mr. Haſtings had broke it in the five ſeveral inſtances now before their Lordſhips: he meant in the receipt of the ſeveral preſents from Sadanund, Kelleram, the Nabob Vizir, Nundoolol, and Nobkiſſen. He ſaid, he was well aware that there were ſituations in which a public man might be placed, that would render a breach of the law not only venial, but highly meritorious. He made every poſſible allowance for the arduous and uncommonly difficult ſituation in which Mr. Haſtings was placed, and conſequently he thought him juſtified in receiving all the preſents, except the laſt, and that his conduct was even meritorious; ſince, after the fulleſt conſideration which he could give to the evidence, he did not, in his conſcience, believe that Mr. Haſtings had the moſt diſtant idea of appropriating one rupee of the four preſents to his own uſe. He received them with the expreſs determination of appropriating them to the public ſervice, and they certainly were ſo appropriated. The contradictions in the accounts, numerous as they were, ſeemed to proceed from exceſſive careleſſneſs and inattention, not from guilt. Indeed, the noble and learned Lord (Thurlow) had ſtated the evidence ſo clearly, that his ideas were confirmed ſtill more by that ſtatement: but as to the laſt preſent from Nobkiſſen, it ſtood on very different grounds. There was no State neceſſity pleaded for this breach of the law. The money, though taken for the Company, was taken to accommodate Mr. Haſtings, and appropriated to diſcharge a demand ſtated to be due from the Company to Mr. Haſtings. For his argument, the propriety of the demand was out of the queſtion. Conceiving, as he did, that the receipt of each preſent was illegal, (though State neceſſity juſtified all the receipts but the laſt) he muſt vote, that in this inſtance of Nobkiſſen's preſent, Mr. Haſtings had acted illegally; and, as here he could not acquit, he muſt reluctantly lean to the harſher ſide, and condemn the act, unleſs it ſhould

be proved to him that his opinion of the law was erroneous. He lamented exceedingly, that there should be a single point in which he could not acquit Mr. Hastings, consistently with his duty as a Judge, for no man had a higher opinion of the great and important public services which he had rendered his country than he had; and when he considered the many hardships he had suffered since his return from India, as well from the circumstances as the extreme length of the severe and arduous trial which Mr. Hastings had undergone, the calm dignity and composure with which he sustained what no man had ever borne before him, he felt himself strongly inclined to lean towards the defendant, and to put the most favourable construction on all his actions.

Lord THURLOW replied to the Lord Chancellor. He said, he staked all the credit which their Lordships might be disposed to give him for knowledge as a lawyer, or integrity as a man, on the question stated by the noble and learned Lord. He differed with him completely, and he believed the learned Lord would not get a single lawyer in the kingdom to support the doctrine which he had so distinctly laid down, and which, if he understood him right, was this—that the receipt of a present, by a person in the situation of Mr. Hastings, must be corrupt; and that it was not necessary to charge it to be a bribe in the impeachment, because the person giving the present could only give it with a hope of procuring general favour. This was a proposition which Lord Thurlow contended could not stand for a moment in Westminster Hall. The Commons, to shew corruption, ought to have charged some act done by Mr. Hastings to the several persons from whom the sums were received, as in the first division of this charge. In that, they accused Mr. Hastings of giving away offices for money, in the way of brokage. There the charge was properly drawn up: but in the case now before their Lordships, the charge was not so worded; he was merely charged with receiving certain sums as presents or gifts, except in the case of Kelleram, where, in consideration of this present, he let him certain lands. That case, his Lordship said, he should consider fully, when it came unmixed with the present question, which he hoped the learned Lord would allow to be put unconnected with other matter that had no relation to it. When he came to the charge of Nobkissen, he would endeavour to state the opinion that he had formed upon it. He was indeed astonished at the remarks which the learned Lord had made upon the Durbar charges. He would state how the evidence struck him, when he took into consideration the present from the Nabob Vizir; nor was his astonishment less excited by the remarks which the learned Lord

had made on the Benares present, remarks that had escaped the sagacity of the Managers themselves. It was distinctly in evidence, and sworn by Mr. Larkins, that the entry, under the head of Deposits, in the treasury account for November, 1780, was the present received from Cheyt Sing in June; but being received in gold mhors, not current in Calcutta, it was not brought to credit until the whole was coined; though as fast as it was received from the mint it was paid into the treasury, and expended in the public service; for the learned Lord has not at all attended to the evidence of Mr. Larkins, if he supposes that these two lacks were not employed in the public service. I fancy, my Lords, it will be found, that, during the war, the treasury in Calcutta seldom contained two lacks of rupees in it for two days together. The learned Lord is totally mistaken in supposing it possible for Mr. Hastings to have entered nuzzirs, as deposits; they are publicly entered under the head of Durbar charges, words of similar import with nuzzirs, when applied to receipts, from the Governor General; whereas, had he entered those nuzzirs as deposits, he would have made them his own property. The learned Lord cannot withhold his belief from the evidence given on these points, if he will condescend to read it. I do not wonder, considering the important avocations in which the learned Lord is engaged, that he has paid more attention to the syllabus in his hand than it appears to deserve. All nuzzirs are entered as Durbar charges: in point of fact, there is no head of account in the Bengal treasury books, called either nuzzirs or presents. The only head is Durbar charges, and under that head all nuzzirs, or presents, received by Mr. Hastings on the Company's account, are entered, as I will endeavour to explain when I consider the remainder of this article. There is nothing like a reason to be assigned for discrediting the testimony of Mr. Larkins: he professes himself to be, and undoubtedly is, a warm and sincere friend to Mr. Hastings; but that friendship has not led him to swear positively to any point that he cannot fully recollect. Yet, this gentleman swears directly, that the present which Mr. Hastings received from Sadanund, for the Company, in June 1780, through him, was not entered in the treasury books till November; because, until that month, the present paid in foreign coin was not all re-coined, and brought into the treasury. In addition to the evidence of Mr. Larkins, who appears to have stood equally high in the opinion of the Marquis Cornwallis and the Directors, as in that of Mr. Hastings, there is the testimony of Mr. Markham, to whom Mr. Hastings communicated this present: it stands, therefore, on the clearest and the fairest ground. Two gentlemen of undoubted honour, and

unimpeached characters, swearing positively to a fact, and no evidence being offered on the other side to disprove it, no doubt can remain in the breast of a Judge upon the subject.

The question now before your Lordships stands upon very distinct ground from all the others. It is in proof, that in June 1780, Mr. Hastings received a present of two lacks of rupees: it is in proof, that even before he did receive it, he told Mr. Larkins, the gentleman to whom the money was to be paid, that he took it for the Company. A similar communication was made to Mr. Markham, in Bengal, immediately; and by the first foreign ship that sailed, to Mr. Sulivan; and to the Directors by the first English ship. What evidence is there on the other side that can induce your Lordships to think that he took this present for himself? According to my judgement, none at all. I have already stated to your Lordships, that after telling his counsel he had advanced his own money, it was absolutely necessary that it should appear on the treasury books as a deposit in his own name: but did that money deprive the Company of the complete use of it, from the instant it was paid in? Certainly not. In May 1782, the Company were informed that two lacks of rupees, entered in such a page of the deposit journal, was their property. In the same letter they were informed, that certain bonds, numbered so and so, were not his property, but the property of the Company. It cannot, therefore, be said, that Mr. Hastings, subsequent to the date of that letter, could have converted either the bonds or the deposit money to his own use, therefore his not formally delivering up the bonds until he quitted India in February, 1785, was a matter of no consequence: it was equally immaterial as to the deposits. The noble and learned Lord has been pleased to remark, that by not delivering up these bonds, and striking his name from the deposit books, the state of the Company's affairs appeared to be worse than they really were in the year 1783, by six lacks of rupees, or sixty thousand pounds. My Lords, that is not the case exactly, if the fact really were of any consequence. In July 1783, the Company and Parliament were in possession of full information of those presents. The measure which rendered a full exposure of the Company's affairs necessary, was not brought in until November; and when the deficit was stated to amount to many millions, this small sum could not have altered the case in any degree.

The LORD CHANCELLOR spoke shortly in reply to Lord Thurlow, in support and explanation of the point of law that he had laid down; and

Lord THURLOW rose again, for the purpose of declaring that

he totally differed with the learned Lord, as to his construction of the law; but at that late hour of the night he would not enter into a farther discussion of the difference between them. He would reserve what he had to say upon it for their next meeting.

The Earl of CAERNARVON declared, he thought the arguments of the noble and learned Lord, who had, with so much ability and accuracy, gone through the whole of the remainder of the charge, were irresistible: to his mind, at least, they conveyed the strongest conviction; nor had any thing said by the noble and learned Lord who opened the discussion of the day, tended to weaken that conviction. No man, his Lordship said, could be more conscious than he was of his own inability to contend on points of law with either of the noble and learned Lords; certainly he would not presume to do any such thing; but he could not help expressing a great doubt, whether the law could stand as it had been laid down by the noble and learned Lord who had opened the charge (Lord Thurlow). It appeared to him so singular a proposition, that where a person, situated as Mr. Hastings, in his capacity of Governor General, had been, accepted a present from another, who was dependant upon his power, was not *prima facie*, and of itself a criminal act, exclusive of its being prohibited by the act of 1773, that, in his judgement, uninformed as he was on such matters, it could not be law. The Earl particularly adverted to the circumstances that marked the conduct of Mr. Hastings, in respect to the present of two lacks, taken from Sadanund, the buxey of Cheyt Sing, and said, they were all of them unaccountably mysterious and obscure, if it were true that Mr. Hastings, from the moment of his taking the money, meant to appropriate it to the use of the Company, as the noble and learned Lord had contended. If such had been his intention, why did Mr. Hastings cause the money to remain so long in the shape of a deposit, altogether useless to the Company in the hands of Mr. Croftes? The measures he took on that occasion appeared evidently to have no other motive than to shuffle off suspicion, or else why so much secrecy? The letter of the defendant to the Directors, dated November 1780, on which so much stress had been laid, by no means wiped him clean of that suspicion. In that letter he contented himself with declaring, that the money tendered by him to the Board, to defray the expence of Major Cramac's regiment, was not his own, but money that had been received by him for the use of the Public. The letter neither informed the Directors by whom the present of the two lacks was given, or when, or where: it looked, therefore, and was liable to the suspicion of the letter's being so unsatisfactorily expressed, merely to be used as a shield from de-

tection, and just amounted to enough to afford Mr. Hastings something to take shelter, and to hide behind, whenever that present of Sadanund's, or any other, which he had privately taken, should happen to be discovered. After reasoning pointedly on the letter, as the strongest evidence of the defendant's criminality, the Earl commented on the letter of May 22, 1782, and that of December 16, in the same year; arguing that there was something extremely questionable in the circumstances relative to both. Mr. Larkins, in his affidavit, swears, that the letter of May 22 was sealed up at the time of writing it, to be dispatched by the Lively, and that it remained closed until the date of the affidavit, viz. December 16, when it was opened. It was very unusual, the Earl said, for a person who wrote a letter, to refer to the inclosures contained, and yet seal his letter, without first putting the inclosures referred to into it. His Lordship also animadverted upon the accounts of the appropriation of the various sums received at different times by Mr. Hastings, and the accounts of Mr. Larkins of the same matters; and, after arguing closely upon all the principal topics alluded to by the Lord Chancellor, his Lordship concluded with declaring, that, in his opinion, had Mr. Hastings wished to conceal all the presents he had taken, he could not have used more art, or exercised more skilful cunning to provide against detection, than he had used in every instance of receiving a present. He therefore believed him guilty of the charge, and should give his vote accordingly.

The Bishop of ROCHESTER said, he could not satisfy his conscience to give a silent vote, or he would not rise at that late hour, but he would detain their Lordships for a few minutes only. He felt himself bound to decide in his own mind by the evidence before him, and he had attended to the evidence as well during the trial, as since it had been printed, with the utmost care and minuteness. In the volumes so often and so necessarily referred to in the course of the discussions in the Committee of their Lordships, in the evidence he saw nothing that could lead him to believe that Mr. Hastings had been actuated by bad or corrupt motives, and he would not allow himself to suppose that any such existed, without full proof that they did. He confined himself for the present to the two lacks received from Sadanund, because that appeared to him to be the more proper subject of their Lordships' consideration that day. The result of the whole evidence, as it struck him, was this, that Mr. Hastings was actuated by the purest motives in receiving that present; that there were perplexities and contradictions in the accounts, he was willing to admit; they had employed him many hours in his closet, and he was ready to confess that he was not sufficiently mas-

ter of merchants accounts to unravel them: but he was equally ready to confess, that he drew conclusions from these contradictions totally different from those that had been drawn both by the noble and learned Lord on the woolsack, in the forcible and eloquent speech of that night, and the noble Earl who had just sat down.— In the account given of those bonds by Mr. Hastings, and in the account given by Mr. Larkins, there were differences; but he believed Mr. Hastings had been mistaken, and that Mr. Larkins's account was the correct one. No noble Lord could believe, that if Mr. Hastings had written a wilful falsehood from Cheltenham, as to the date of the indorsement on the bonds, he would have eagerly sent to Bengal for those very bonds, which the moment they appeared must convict him of misrepresentation. No man can believe, that if Mr. Hastings originally received the bonds with an intent to convert them to his own use, he would not, on being induced by fear to alter his mind, have antedated the indorsement to the very day that he received the bonds. The learned Prelate said, that he fully concurred in all the reasoning of the noble and learned Lord (Thurlow). The Managers read a letter from Mr. Hastings, which they pledged themselves to falsify in all its parts; but they had wholly failed to do so. His Lordship then went through the several points of the letter, and said, not only the facts stated in it were undeniable, but no noble Lord could read it, he conceived, without seeing the mind of the writer, and without being convinced that base and sordid emoluments were not the objects that attracted his attention. In this case, where there was in fact no evidence, and where all depended upon inference, he must resort to general character; and he had no scruple to say, that the Commons had totally mistaken the character of Mr. Hastings. They charged him with having adopted the various measures, which form the articles, with the view principally of acquiring for himself exorbitant wealth. The learned Prelate said, that not a tittle of evidence had appeared to substantiate such an allegation; but that his character was so completely the reverse, appeared so strongly in proof upon the evidence, that it would be needless to strengthen that evidence by an appeal to the common sense and understanding of mankind on the subject.— He could easily account in his own mind for such a great character as Mr. Hastings, with so much upon his mind, having been uniformly negligent and inattentive to all matters of money, and all accounts that related to money transactions; indeed it was evident that Mr. Hastings was a man who had been uncommonly regardless of money; otherwise it would have been impossible to account for the state of his fortune in every year between 1778 and 1785,

to which his attorney had sworn at their Lordships' bar; and what struck me, said the learned Prelate, as extraordinary, when not a single question was put by the Managers. His Lordship concluded a very clear and eloquent speech, with declaring, that he should say *Not content* to the motion.

Tuesday, 24th March.

Lord THURLOW began by saying, that it was his intention to have gone fully into the several points opened by the noble and learned Lord the preceding day; but that having mislaid his papers, he would endeavour to speak to them from memory as well as he could, sensible that it would be too great an intrusion upon the time of the Committee to delay them a moment on that consideration.

The most material and important point of discussion was the ground upon which the noble and learned Lord had stated, that he thought one question only might be put upon all the remaining presents, as, in his opinion, there was one principle which would govern them all, however they might vary in their circumstances. In the introduction of this principle, which, as far as his (Lord Thurlow's) recollection went, was entirely new in point of discussion, (it having never occurred to either party at the bar during the course of the trial, and certainly not to the prosecutors in framing the impeachment), the noble and learned Lord had laid that out of the case which, in his contemplation of the subject, was the only ground and foundation of the present charge, as sent up by the Commons, namely, the act of Parliament, 13 Geo. III. The principle so introduced, however, and which he was now about to examine, was, if he understood it correctly, this, "That at common law, the relative situation of the donor and donee of any gift or present, was alone sufficient to constitute the acceptance of such gift a crime, for which an indictment would lie, always supposing the gift to pass from an inferior in office to his superior; and that, without charging it to have been given for brokage, or stating any other corrupt consideration in the indictment." To this position their Lordships would recollect he had on the preceding day ventured to express not only his dissent, but some degree of surprise, in so much as it appeared to him to be extremely novel, and also to be at variance both with the principles and forms upon which all indictments for corruption, that had fallen under his observation, had hitherto been framed and supported. In adverting to this proposition at that time he had observed, and he was still of opinion, that the relative situation of the parties in all pecuniary transactions of the nature of those in question, was no doubt a material ingredient, and that which

not only would, but ought to excite a suspicion and jealousy, proportionate to the distance at which the giver was removed from the person receiving the present: but that it was alone sufficient to constitute and to raise the transaction into a crime, was a proposition he never could accede to. Indeed, the more he considered it, and the more he turned it in his mind, which he did assure their Lordships he had done with all the attention he could give it, the more he was convinced, as a lawyer, and in that conviction he had had an opportunity of being fortified by much abler opinions than his own, that it would be impossible to support an indictment at common law against a superior in office for taking a present from an inferior, by merely putting the fact of the present being made, and the relative situation of the parties, upon the record: but that the indictment must go on to state some corrupt consideration as the motive, which corrupt consideration must either be admitted or proved as laid. The noble and learned Lord, in support of his proposition in a former debate, had alluded to the Stat. 5 and 6 Edw. VI. c. 16. against buying and selling offices, and had drawn an argument from it, as if before that statute the sale of offices was illegal at common law. But if any argument could be drawn from it, the whole frame of the statute, and more particularly the exceptions in it, afforded an inference the other way, for it is an enacting, not a declaratory statute. It excepts all offices of inheritance: it provides "that the Chief Justices of the King's Bench and Common Pleas, and the Justices of Assize, may do in every behalf, touching any office to be given or granted by them as they might have done before the act," and it allows "all bargains, sales, &c. of any office concluded before the 1st day of March next coming to be in such force as if the act had never been made.' Now, exclusive of the inconsistency which would be imputable to the Legislature in allowing the sale of offices for a limited period after the act was made, in derogation of the common law of the land, and a perpetual exception in favour of the Chief Justices of either Bench, and of the Judges of Assize, it was a known and acknowledged fact, that every one of the very respectable and honourable persons who have filled those several offices, have, from the time the act was made to the present moment, without the smallest imputation or idea of stain upon their character, sold the several offices belonging to their respective situations as they have become vacant, openly and without reserve. Could it then be argued that such sale was an indictable offence at common law; or rather, was not the uniform practice of so many respectable characters a proof of the reverse, and an affirmance of what the common law was in that respect? for the statute

only allows them "to do in that behalf as they might have done before the act was made." It was true, that in a case decided in the Star Chamber, and reported in Noy, the Sheriff of Nottingham *, who had given the offices of jailor and bailiff to his servants, who sold them, and gave him the money, was indicted for so doing; and exception being taken that he could not be fined, but that it being an offence created by the statute, he could only be punished as the act prescribed; the Court held he might be fined, for that it was *malum in se*, and a crime at common law. But except that decision, which had never been followed or adopted by any authority since, there was no case to be found in the books to warrant such a doctrine. That case, however, as far as it went, was an authority to shew that if the matter in question were a newly created offence, as in his opinion it clearly was, there could be no proceeding or judgement upon it, but under the statute. He would next, therefore, proceed to examine the several remaining presents in the charge, and how far they were maintainable under the provisions of the statute, or supported in point of proof.

In the case of Kelleram and Cullian Sing, the Commons had expressly charged that Mr. Hastings took that money as a consideration for letting them certain lands in perpetuity, to the great injury of the East-India Company. In the case of Muny Begum and Nundcomar, the Commons charge that he took bribes for brokage and appointments to offices. In these instances, the charges are accurately drawn, and it is not true, said his Lordship, that articles of impeachment have generally been loosely or inaccurately drawn. On the contrary, they have had all that legal strictness of late years which is required in an indictment. He did not speak, he said, of more ancient impeachments, in which certainly very little attention was paid either to the forms or the substance of justice. Having concluded the legal argument, Lord Thurlow proceeded to the next head of the charge, upon which he said he would not trespass long upon their Lordships' indulgence, as the evidence upon it lay in a very narrow compass.

The Commons accused Mr. Hastings of having received a present or bribe of four lacks of rupees from Kelleram and Cullian

* This case is thus reported in Noy, edit. 1656, p. 102. *Stockwell* against *North*. N. was sheriff of Nottingham, 43 Eliz. and took money for the offices of jailor and bailiwick, and he first gave them to his servants, who sold them, but he himself had the money; and he was fined for that, for it was contrary to 4 Hen. IV. cap. 5. And also by the Court, that that is a corruption, and a great cause of oppression in the officers: and such sale of offices is *malum in se*, and finable.

Sing, or one of them, about the month of October, 1780, as a consideration for letting certain lands in Bahar in perpetuity, to the great injury of the East-India Company.

There certainly, said Lord Thurlow, is no evidence that fixes the receipt of this present, or of the cabooleat or engagement for the present, at the period mentioned in the charge. On the contrary, the evidence carries it to a later period.

The evidence proves, that in the month of July 1780, Raja Kelleram was permitted by the Patna Council to go to Calcutta, at the desire of Mr. Hastings. On the 14th of November 1780, the Governor General presents to the Board an arzee from Maha Raja Cullian Sing, with proposals for renting the province of Bahar. He recommends to Mr. Francis and Mr. Wheler, the two members present, the acceptance of these proposals. Nothing farther appears to have been done at that meeting of the Board.

On the 15th of December, a letter is read from the Council of Patna, in which they state that they have concluded a settlement, subject to the approbation of the Supreme Council, which is more advantageous than any settlement made for many years past. The secretary is immediately ordered to draw out a comparative view of the two settlements—I mean, my Lords, the proposals from the Patna Council, and from Maha Raja Cullian Sing.

On the 19th of December, the secretary presents it; and it appears from the comparison that Cullian Sing's proposals are more advantageous than those sent down by the Patna Council. They are therefore accepted. Kelleram, the Naib or Deputy of Cullian Sing, is called in, and declares his master's assent to the conditions. Khelats are ordered for Cullian Sing and Kelleram, and the Patna Council are informed that the settlement is concluded with Cullian Sing.

The sunnud was made mocurery, a term, which the Commons call a grant of perpetuity; but, my Lords, we know precisely what a mocurery tenure is, and how very different indeed from a grant in perpetuity. It was a grant to Cullian Sing, which must have expired at his death at all events; but it was only to continue in force so long as his kists were regularly paid, and so long as no oppressions were exercised on the inhabitants. He was not permitted to claim as a right any deductions from his stipulated payments, either for drought, inundations, or the ravages of enemies. If any deductions were allowed hereafter, they were to be received as indulgences. Leases in perpetuity are indeed *now* granted throughout Bengal; the rents are on no account to be increased, but to remain invariable so long as the present holders of the land and their

heirs ſhall pay the rents as ſettled in the year 1791. How it could be injurious to the intereſts of the Eaſt-India Company, for Mr. Haſtings to act upon a principle infinitely ſhort of that which has ſince been adopted by the Company and the King's Miniſters, I cannot eaſily conceive.

There is a ſtrange inaccuracy runs through the whole of the managers obſervations on this charge. They firſt offered evidence to ſhew the unfitneſs of Kelleram, as a renter of lands; yet the leaſe was in the name of Cullian Sing. They next produce evidence to ſhew that a leaſe was granted to Kelleram: The evidence proves that it was granted to Cullian Sing, a man of very conſiderable rank, and ſon to Maha Rajah Sittabroy, who enjoyed the ſame unlimited power as Naib Dewan of Bahar, which Mahomed Reza Cawn poſſeſſed in Bengal, under the governments of Lord Clive, Mr. Verelſt, and Mr. Cartier.

Your Lordſhips would not permit evidence to be given beyond the point to which I am now arrived. The managers wanted to prove that Kelleram fell into great balances; but there was nothing charged againſt Mr. Haſtings, to which evidence to ſuch a point could apply; and here the whole evidence as to the letting of the lands, ſtops. It is in ſubſtance, that Maha Rajah Cullian Sing having offered to rent part of the province of Bahar, on terms more advantageous to the Company by nearly two lacks of rupees a year than thoſe offered to the Patna Board, the Governor General and Council accepted the terms of the former. It is not to be believed that the managers, or thoſe whom they employed to draw the articles, would have omitted to charge, that, in the end, the Company loſt conſiderably by this leaſe, provided the fact were ſo. Neither your Lordſhips, nor the managers are competent to enter into an examination of an intricate detail of Indian revenues, though we can all comprehend the reſult. I certainly have ſeen a paper preſented to the Houſe of Commons from the India Houſe, by which it appears, that under Cullian Sing's leaſe of two years, he paid more money into the Patna Treaſury by very near ſixty thouſand pounds ſterling, than was paid in under the ſettlements formed for the two years preceding by the Patna Council. With this evidence in the managers poſſeſſion, it would have been a very uſeleſs attempt to carry the article farther.

I come now, my Lords, to conſider the evidence which the managers have offered, relative to the cabooleat, and the money actually received upon it. The firſt document to this point is the account incloſed in Mr. Haſtings's letter of the 22d of May 1782. It appears that on the 26th of April 1781, the ſum of two lacks

thirty-two thousand rupees was paid into the treasury by the order of Mr. Hastings, under the head of Durbar charges: That is, Mr. Hastings admits the receipt of a present to such an amount, on the Company's account. From the moment the money was so paid in, it became the Company's property, and Mr. Hastings could not interfere with it. The running treasury account, on which this receipt was entered, came to the India House in the month of July 1782, and did not attract the attention of the directors. On the 16th of March 1784, as I have already stated to your Lordships, the directors desired Mr. Hastings to inform them at what periods the several sums were received which made the aggregate of the account inclosed in his letter of the 22d of May 1782. Mr. Hastings, unable to give a complete answer to this question from Cheltenham, referred them to Mr. Larkins; but the directors, satisfied, as it should seem, with the general information which Mr. Hastings had given them, inquired no farther: But Mr. Hastings himself wrote to Mr. Larkins to send to the Chairman the only memorandum which he had ever possessed, that could throw a farther light upon the subject. He did so; and if your Lordships will turn to the evidence, page 1153, you will find Mr. Larkins's letter, dated the 5th of August 1786, and an account accompanying it, certainly very loose and imperfect, but beyond all doubt that to which Mr. Hastings alluded, as the only memorandum he ever possessed; and it gave a clue to the directors to make any farther investigation that they thought proper. Your Lordships will always bear in mind that this account was transmitted for no other purpose than to give a fuller answer to a question put by the directors to Mr. Hastings on the 16th of March 1784, than he was able to give them merely from memory at Cheltenham. The managers, by reading it, have made it evidence. From this account then it appears, that between the 21st of March and the 26th of April 1781, the sum of two lacks and twenty thousand sicca rupees was received from Patna, and that on the 26th of April two lacks of sicca rupees were paid to Mr. Croftes, the sub-treasurer. If there was no other evidence, this account would be absolutely unintelligible; but, connecting it with Mr. Larkins's evidence, and the note at the foot of the account, it appears very clear that a caboolcat or obligation for four lacks of rupees had been entered into; that upon this caboolcat two lacks were paid into the treasury by Gunga Govind Sing, and entered by the orders of Mr. Hastings, under the head of Durbar charges, that is, as I have already stated to your Lordships, a present received by the Governor General on the Company's account. There is not a shadow of evidence to warrant a suspicion that Mr.

Hastings himself ever received one rupee upon this caboolcat, or upon that of Dinagepore, which, though not in charge, I have explained as fully as the evidence permitted me to explain it, on a former day: I mention it again, because the managers have observed, that the caboolcats from Patna and Dinagepore were for four lacks each; that is, in all, eighty thousand pounds, of which only the one half has been paid to the Company. The fact undoubtedly is so; but the Commons, though in possession of all the evidence they now have, two months before they drew this article, have not made it matter of charge, that Mr. Hastings took no measures to recover these balances. If there had been any ground to suspect that these balances had really been paid into the hands of Mr. Hastings, or into the hands of any person in trust for him, I should imagine that the persons who drew out the articles would have charged the fact expressly; as the case now stands, it rests upon his own solemn declaration, that he has accounted for every rupee that came into his hands: and it cannot be believed for one moment, that he would have desired Mr. Larkins to send to the Chairman the only memorandum existing, from which it could be known there was any balance, if he had put a single rupee of it into hiso wn po[illegible]

The noble and learned Lord has laid a considerable stress on the rumour generally prevailing of a present given to Mr. Hastings, by Cullian Sing and Kelleram. He has referred your Lordships to the evidence of Mr. Young, Mr. Moore, and Mr. Anderson. Mr. Young deposed that the rumour was very general, and that in December 1780, he heard a specific sum mentioned, four lacks of rupees. Mr. Moore says he heard that the money was paid in October 1781, which must be a mistake. Mr. Anderson swears that he heard the same rumour in December 1780, and I am sure it must have been from mere accident that the noble and learned Lord (unless he has been misled by his syllabus,) omitted to state the most material part of Mr. Anderson's evidence—the part which, in my mind, is decisive upon the question. Mr. Anderson swears that in May 1781, having again heard this rumour, and thinking it very inconsistent with the character of Mr. Hastings, he mentioned the report to him. Mr. Hastings immediately told him, not to make himself uneasy, or give himself any concern about what he had heard; for whatever sums had been received, had been accounted for to the Company; that he thought it right to take money in that way, at the time the Company was in such great distress, and it might not have been procured in any other way. The managers did not chuse to pursue this examination farther, and they have adduced no evi-

dence from which your Lordships can conclude that the money might have been received publicly, as a peshcush or nuzzerana, on behalf of the Company. I profess myself to be utterly ignorant of the manners and customs of the people of India; but as this testimony from Mr. Anderson remains uncontradicted, and as Mr. Hastings himself has said in a letter produced by the Managers, "The sources from which these reliefs to the public service have come, would never have yielded them publicly;" I am bound to believe that this is the true state of the fact, and that the renters and zemindars of Patna, Dinagepore, and Nuddea, from whom Mr. Hastings privately received near sixty thousand pounds in the years 1780 and 1781, would not have paid those sums publicly to the Company, had Mr. Hastings declined to take them in the mode that they were really given.

I am afraid I have already troubled your Lordships too long upon this charge; but I have been the more particular, because the Commons have charged this money to have been received as a bribe, in consideration of granting a lease on injurious terms. Your Lordships see that the money was paid by instalments, between the 21st of March and the 26th of April 1781, and on the last-mentioned day it was paid into the treasury, as a present received by Mr. Hastings on the Company's account. As he appears to have received the money solely for the Company, as there is nothing like evidence to prove that he at any time intended to take this money for himself, and as upon the face of the agreement with Cullian Sing, it appears that he was bound to the performance of every condition which could be required from him, for the advantage both of the Company and the people, and as his proposals were more advantageous than those transmitted by the Patna Council, I am clearly of opinion that the charge has not been made good. On the charge called Nundoolol's present, there will hardly be a difference of opinion.

Mr. Hastings is next accused of having received a present of ten lacks of rupees from the Nabob of Oude in the month of September 1781; and as matter of aggravation, it was stated that the Nabob was in great pecuniary distress at the time, and deeply in debt to the East-India Company. The charge in this part also is very inaccurate, for the evidence adduced by the managers proves, that above one third of this present was made by the Nabob's ministers. It is by no means proved that the Nabob was in a state of great pecuniary distress; that his public finances were in very great disorder, and that they had been so from 1775 to 1781, is out of all question; but if your Lordships will look to the correspondence of the several

residents, you will see, that next to the disorders occasioned by the Begum withholding the public treasures from the public service, the distresses of the Nabob's government were owing to the very large sum that he required for his privy purse. It is in evidence that in the economy of his household, he would neither permit his ministers, nor the British resident, to interfere. A sovereign may be very rich, when the State is poor; and I think it much more probable that the Nabob himself was in very affluent circumstances, than in a state of great pecuniary distress. But the question for your Lordships to consider will be, whether, under all the circumstances of the case, it was criminal in Mr. Hastings to receive a present of ten lacks of rupees, and to apply it as he did to the Company's service. In this, as in every other instance of the presents, Mr. Hastings affords the managers all the information that they have given to your Lordships. It appears then, that between the 11th and 19th of September 1781, Mr. Hastings received from the Nabob and his ministers a present of ten lacks of rupees, of the currency of Oude, in bills. It appears also that the first payment upon these bills was made in October, and that in the month of March 1782 the whole sum was received. It appears also by the letter from Mr. Hastings to the Directors, dated the 20th of January 1782, from Patna, that such sums as to that time had been received, were expended in the public service, and Mr. Hastings assures the directors that the remaining sums shall be so employed. The ultimate appropriation of this present he left entirely to them; adding, that if they adjudge it to him, he shall receive it with gratitude. The directors had the power to do it, in the same manner that they gave the present from Sujah Dowlah, to the army. They might have given the Nabob credit for it, as taken in part payment of his debt to the Company; or they had the power to do, what in effect they did—they took it for the Company.

My Lords, for a present received under such circumstances, so applied as this was, and so ultimately appropriated by the East-India Company, Mr. Hastings has been criminally accused, and your Lordships are now to determine his guilt, or his innocence. The evidence upon this charge lies in a very narrow compass indeed, though it has been branched out very unnecessarily I think by the managers, who at the commencement of their evidence undertook to prove that Mr. Hastings had written a false statement to the directors on the 20th of January 1782, when he declared that though he had accepted the present in September 1781, and had expended such sums in the public service as he had received, it had up to the date of his letter been in part only, and tardily realized. What

possible end it could answer to Mr. Hastings to make such an assertion if it were not true, I cannot conceive; and all the time that was spent in attempting to prove the assertion false, appears to me to have been very uselessly wasted. If the noble and learned Lord had not alluded also to this circumstance, I should not have noticed it at all.

[The LORD CHANCELLOR whispered across the table that there was another expression in the letter, "a present of the nominal value of ten lacks," which, coupled with the words tardily realized, had attracted his attention.]

Lord THURLOW proceeded: I am much obliged to the noble and learned Lord for his explanation, but I am still as much at a loss as ever to divine his meaning. The nominal value? My Lords, the expression is highly proper. Mr. Hastings, in September, received a present of ten lacks of Oude sicca rupees. That was the nominal value. It was made in bills, and when those bills were turned into cash, and that cash brought into Bengal currency, then the real value would be known; and it appears in evidence, that the present netted ten lacks thirty-three thousand rupees and a fraction, about one hundred and three thousand pounds. The meaning of the words "nominal value" cannot be misunderstood by any noble Lord who will exercise his own judgement.

If the learned Manager, (Mr. Anstruther), who asserted that before the 20th of January 1782, the whole of this present had been received, except a small balance, could have proved his assertion true, I know not to what use he could have applied a fact so proved.

But, my Lords, it has happened in this, as in so many other instances, that Mr. Hastings is completely justified by the prosecutors' evidence.

Mr. Wright from the India House produced the Bengal General Journal for the year 1781-2. All the Bengal annual accounts commence on the 1st of May, of one year, and close on the 30th of April, of the next year. This General Journal contained an account of the payment of the Nabob's present, and it appeared that in October, November, and December 1781, a part of this present had been paid, not a half of the whole. Your Lordships will agree therefore that the expression of Mr. Hastings, up to this period of time, was very correct. It farther appears that in January 1782, the sum of four lacks fifty-nine thousand seven hundred twenty-seven rupees and a fraction was received, and the balance, which was seventy thousand rupees, was completely liquidated in the two following months. But, my Lords, after all this trouble had been taken, it was to no purpose; for though the manager professedly

called Mr. Wright to prove that this present, except a small balance, was actually received prior to the 20th of January 1782, and, though he persisted to the last in asserting that the fact was proved, your lordships, who judge from evidence, will see that the account proves nothing. Mr. Wright could not tell you from his journal on what day in January the great payment was made, and your Lordships, as impartial judges, will rather believe it was subsequent to the 20th of January, than prior to that day; though, from too much zeal, too much prejudice, or too little attention to the cause, the managers thought proper to assert what they could not prove. To the charge itself, the point is not of the smallest consequence, nor can the ingenuity of man conceive any end that could have been attained by the transmission to the directors of so silly a falsehood, as the managers have imputed to Mr. Hastings. But, my Lords, the production of this General Journal for the purpose that I have stated, has placed a piece of evidence in the Appendix to the Minutes, that strikes the noble and learned Lord in a point of view so uncommon, that the managers, with all their sagacity, have not seen it in the same light.

By turning to page 1158, your Lordships will see that Mr. Wright, after he had produced the General Journal that I have already mentioned, was asked if the book contained an account of the expenditure as well as of the receipt of the Nabob's present. He said it did—and he read several items of the expenditure. According to your Lordships' rule, the whole account of the expenditure as well as the receipt was entered in the Appendix, and you will find it in page 606 to 628. Referring to this account, the noble and learned Lord says, that Mr. Hastings appears not to have accounted for one lack and a half of rupees of the Nabob's present, and that there are amongst the disbursements, four lacks sent to the resident of Benares, which sum might have been paid back again to Mr. Hastings. I profess, my Lords, I was very much astonished indeed to hear such a remark from such a quarter. In the first place it applies to no matter in charge. It does not even apply to any observation that fell from the managers, who did not call Mr. Wright in order to inquire about the balance, but to prove the unimportant fact that I have already too much enlarged upon. The ground now taken by the noble and learned Lord could not possibly have occurred to Mr. Hastings or to his counsel; but your Lordships, by turning to the Appendix, will see the case in a moment. It contains the Durbar accounts of Mr. Hastings for one complete year, 1781-2. The nature of this account I will endeavour to explain. The Governor General is entrusted with a variety of public disbursements;

independent of the Board—secret services—the pay and entertainment of foreign ministers—presents—kellauts, &c. To meet these disbursements, the Governor General applies to the Council for money, which he cannot receive, but by their order on the treasury; for though Mr. Hastings received presents while he was absent from Calcutta, and gave the Company credit for them, yet, when in Calcutta, he paid all his presents into the treasury, whence he could not draw them again.

It appears then by the Durbar account in the Appendix, that between the 1st of May 1781, and the 30th of April 1782, Mr. Hastings received the sum of fifteen lacks, twenty-two thousand, seven hundred forty-six rupees and a fraction. Of this sum only fifty thousand rupees was received from the treasury. The remainder consisted of the presents that he received, or money borrowed at Benares, and from the resident at Oude. His expenditure for the public service in the same period is thirteen lacks seventy-eight thousand one hundred twenty six rupees and a fraction. This, your Lordships observe, leaves a balance of nearly a lack and a half of rupees in his hands, belonging to the Company. If a suspicion had even been hinted during the trial, that this balance was unaccounted for, he most undoubtedly would have produced the Durbar account for the next year; and the first article entered in May 1782, would have been this lack and a half as against Mr. Hastings. I had the curiosity to look at the Durbar accounts down to the 1st of February 1785, when he quitted India, and I find that they are exactly balanced.

I believe, my Lords, I have now mentioned all the evidence that is of any moment in the three charges; I mean the presents from Patna, Nundoolol, and the Nabob Vizier. They are all, strictly speaking, of the same description. They were all received by Mr. Hastings, as he states, for the Company, at a period of great public distress: They were all entered in the treasury books under the head of Durbar charges, that is, presents received by Mr. Hastings on the Company's account. That they have been faithfully applied to the public service is not to be disputed, and, in my judgement, there is nothing in the evidence that can induce your Lordships to believe he received these presents corruptly; that is, I cannot think we are warranted either by evidence or by fair inference to believe that to be true, which the managers so strenuously [illegible]—I mean, my Lords, that at the time these presents were received, Mr. Hastings did intend to take them to himself, though he afterwards changed his intentions, and gave them to the Company. If in my conscience I drew such a conclusion, or if I thought

that for a single moment he entertained such an idea, I should at once pronounce him guilty.

The Patna present, as your Lordships will recollect, was paid into the public treasury on the 26th of April 1781, under the head of Durbar charges, so that Mr. Hastings had no longer any concern with it. He could not draw the money out of the treasury again, and the receipt appears by the treasury books which arrived in England in July 1782. The two presents from the Nabob and Nundoolol were accounted for in the manner that I have already stated to your Lordships, while he was absent from Calcutta.

The present from Nobkissen, which is the only one remaining, stands upon a ground somewhat different; for though it was certainly received for the East-India Company, and the appropriation of it was left completely in their power, yet it was attended, in the mode of receipt, with circumstances which do distinguish it from the other receipts of present. In so far I perfectly agree with the noble Earl (Mansfield), whose opinions I am at all times disposed to consider with the utmost attention, an attention to which they are fully entitled, not less from the weight which the high character of the noble Earl gives to them, than from the dignified and temperate language, so highly becoming a judge, in which he delivers his sentiments to your Lordships. The noble Earl conceives that each receipt of a present by Mr. Hastings was a breach of the law, but that the known and urgent necessities of the Public at the time the presents were received, and their appropriation to the relief of those necessities, justified the receipt of every present, except the last. In the last instance the noble Earl says, that Mr. Hastings took the money, if not for his own use, certainly for his own conveniency.

The charge sets forth, that in the year 1783 Mr. Hastings first fraudulently solicited as a loan, from Nobkissen, the sum of three lacks of rupees; that he afterwards corruptly retained it as a gift or present, under the pretence of discharging certain expences which he had no authority to incur either before or since, and that he has not produced sufficient vouchers to justify his charges.

The managers, on first opening it, declared that they should offer no evidence upon it:—*Ex ore tuo* the justification or condemnation shall proceed, were their expression. In the progress of the trial, however, farther evidence was given by the managers, and I will endeavour to state to your Lordships the result of the whole, as it strikes my mind.

Mr. Hastings says, that in 1783, being in want of money for his private expences, owing to the Company not having cash in

their treasury to pay his salary, he borrowed three lacks of rupees from Nobkissen.

I will take the liberty to call your attention to the evidence adduced by the managers, in order to prove the falsehood of this assertion. It is the more necessary, because the noble and learned Lord has expressed his surprise that the Governor General should have any arrear of salary due to him, and in such a manner as to convey an idea to your Lordships, that the noble and learned Lord very much doubted whether a Governor General could suffer his salary to run in arrear. I admit it to be an extraordinary case. Possibly Mr. Hastings conceived that when the different armies in India were enduring the deepest distress for their subsistence, when the officers had coined their plate to support their soldiers as long as they could be supported by such a resource, and when the civil establishments were many months in arrears, it would not be very decent or laudable in him, to exert the influence which his station certainly gave him, in order to be paid in cash, month by month. Of the fact your Lordships can have no doubt, since the managers in this, as in so many other instances, have effectually justified Mr. Hastings by the evidence which they produced. Whether your Lordships are to give credit to the managers for an extraordinary degree of candour, or to believe that those prejudices which naturally attach upon prosecutors have perverted their judgement, or whether they have trusted the production of their evidence entirely to their agents, and were as ignorant as your Lordships of its contents, until read at your bar, I know not, nor is it of much moment to us to discover; but, by turning to page 1252 of your Minutes, your Lordships will find an account of all the payments made to Mr. Hastings under the head of salary in the year 1783. You will see that he did not receive the salary due to him for January, until the month of August: So that in truth he was seven months in arrear until that payment was made. Your Lordships will see that his salary for February and March was paid in September, not in cash but by transfer; that is, by a treasury order, or paper, which might indeed be turned into cash, at the discount of the day; and I believe those transfers at that time bore a discount of ten or twelve per cent. The account is continued; and your Lordships will see, if you take the trouble to turn to it, that in the whole of the year 1783, Mr. Hastings received but one month's salary in cash; that was for the month of January, and it was paid to him in August.

The next point is, my Lords, that Mr. Hastings desired Nobkissen to call upon him with a bond properly filled up; but as he was going to execute it, Nobkissen requested him rather to accept

the money, than to execute the bond. He neither, as he says, accepted nor refused the present, and his mind remained suspended until he went to Lucknow in 1784, when he determined to accept the present for the Company.

This is the account given by Mr. Hastings to the House of Commons, and the noble and learned Lord says it must be taken as the true state of the transaction. It was written by himself, he says, is very short, and involves in it little of argument, or detail. On the point of fact I wish to set the noble and learned Lord right: It is clearly in proof that this part of the defence of Mr. Hastings was not written by himself, but by a gentleman of the name of Baber; and your Lordships, by referring to the evidence of Mr. Scott, which is very full and distinct, will observe, that the general introduction, the charges called the Rohilla war, and the King's tribute, were all that Mr. Hastings wrote himself. I mention this in order to account for the very loose, general, and inaccurate manner in which the transaction is related. Undoubtedly, my Lords, if we had had no other evidence, I should not think any noble Lord determined improperly if he concluded that in fact Mr. Hastings took the money from Nobkissen without giving him any security of any kind for it: But Mr. Larkins, whom the managers themselves examined at very considerable length to this point, clearly and distinctly told your Lordships, that he knew there were two bonds at least, executed; that it was by no means certain that he himself was not a subscribing witness to those bonds; that he gave them after Mr. Hastings had executed them to a sircar of Cantoo Baboo's, to carry them to Nobkissen; that these three lacks of rupees were entered in the private books of Mr. Hastings as a loan, for which bonds were granted, and that they remained in that state in his books until the month of February 1784, when he made an entry in the books to correspond exactly with the letter which Mr. Hastings wrote in that month to the Court of Directors. From that time it became a present made to Mr. Hastings, and accepted by him for the Company. He became accountable, consequently, to them for this present.

There is no evidence from which your Lordships can conclude that Mr. Hastings determined to take the money, until the moment he transferred it to the Company. That Nobkissen was in possession of the bonds appears clear to me from Mr. Larkins's evidence. When they were returned to Mr. Hastings by Nobkissen does not appear, though Mr. Larkins says it was long after they were sent to him. There certainly is no ground to conclude that this loan was fraudulently solicited as the charge states, nor do I well com-

prehend the meaning of the word here. Mr. Haſtings borrowed money, and gave a legal ſecurity for it. The party from whom the money was borrowed retained poſſeſſion of that ſecurity until he voluntarily ſurrendered it. Mr. Larkins believes that Mr. Haſtings borrowed this money to pay off other bonds, becauſe, ſays the witneſs, Mr. Haſtings was perpetually embarraſſing himſelf by doing acts of kindneſs to others.

The latter part of the charge is very material for your Lordſhips' conſideration. Mr. Haſtings in effect is accuſed of converting this money to his own uſe, under a falſe pretence. It is ſaid that he had no authority to contract the expences which he oppoſed to theſe three lacks, before he made the charge upon the Company; that he has had no authority ſince, and that he has not produced ſufficient vouchers to juſtify him in making ſuch a charge upon the Company.

The caſe will ſtand perfectly clear when fairly ſtated from the evidence. Mr. Haſtings admits, in February 1784, that he has in his hands three lacks of rupees, the property of the Company. He ſubmits to the juſtice of the Company certain demands, which he has upon them, to the amount of thoſe three lacks of rupees. My Lords, it depended upon the Company to allow them or not, as they pleaſed. The nature of the demands is explained moſt clearly. The accounts are minutely particular; and Mr. Haſtings, ſo far from affecting diſguiſe, very fairly and candidly tells the Company, that when theſe expences were incurred, he had no idea of charging them to the Company. His words are ſo clear, and convey his ſentiments ſo fully, that I will beg leave to read the remainder of the ſentence from the letter itſelf:

"Improvident for myſelf, zealous for the honour of my country, and the credit and intereſt of my employers, I ſeldom permitted any proſpects of futurity to enter into the views of my private concerns. In the undiſturbed exerciſe of the faculties which appertained to the active ſeaſon of my life, I confined all my regards to my public character, and reckoned on a fund of years to come, for its duration. The infirmities of life have ſince ſucceeded, and I have lately received more than one ſevere warning to retire from a ſcene, to which my bodily ſtrength is no longer equal, and which threatens me with a correſponding decay, in whatever powers of mind I once poſſeſſed, to diſcharge the laborious duties and hard viciſſitudes of my ſtation. With this change in my condition I am compelled to depart from that liberal plan which I originally adopted, and to claim from your juſtice, for you have forbid me to appeal to your generoſity, the diſcharge of a debt, which I can, with the moſt ſcrupulous integrity aver to be juſtly my due."

Your Lordſhips will determine, whether in point of fact Mr. Haſtings went one ſtep beyond what he himſelf ſtates: "I humbly ſubmit (he ſays in the ſame letter) the propriety of carrying theſe expences to your account." He clearly left it to the Company to allow them or not: Suppoſe for a moment they had ſaid, "You ought to have made theſe demands month by month. We will not admit a contingent bill of ſo many years ſtanding." In that event Mr. Haſtings muſt have repaid to the Company thoſe three lacks of rupees, their property, which he retained in his hands: But the charge adds, that he has had no authority ſince. My Lords, what is the period of time within which a demand, not objected to, ſhall be taken as fairly admitted? The letter, and the account in queſtion, arrived in England in September 1784. What were the Directors about? What were the King's India Miniſters doing? A pointed reference, an appeal to their juſtice, was made by Mr. Haſtings. It was their duty to have diſallowed theſe charges immediately, if they were improperly made.—It was their duty to call for vouchers or farther information, if farther information was neceſſary. By doing neither the one nor the other, they admitted the demands to be perfectly fair and reaſonable, and in effect they audited the accounts. The counſel of Mr. Haſtings have proved that his ſucceſſors have made ſimilar charges, and upon rather a larger ſcale of expence; they have made them, I admit, my Lords, wiſely and properly, month by month, and have received the amount as regularly as their ſalaries. Had Mr. Haſtings acted with equal prudence and propriety, he not only would have been paid the full amount of the charge that he drew out in 1784, but he would have had a conſiderable benefit from the intereſt accruing upon the ſeveral ſums, in the courſe of ſo many years.

I have now gone through this very important article of the charge. I have ſtated the effect of the evidence as it ſtrikes my mind, and at a length which I am afraid has too much treſpaſſed upon your Lordſhips' indulgence. On the laſt caſe, that of Nobkiſſen, your Lordſhips have had more information from Mr. Larkins than you poſſeſſed before. He ſatisfactorily enough, I think, accounted for the embarraſſments of Mr. Haſtings. It might, indeed, very naturally excite ſurpriſe, that a man, after poſſeſſing the government of Bengal for ſo many years, and who was not perſonally expenſive, ſhould want at any time, to borrow money. My Lords, I think it reflects diſcredit on Mr. Haſtings; I think it is the weak part of his character, and that he ought to have left Bengal fairly and honourably, poſſeſſed of four hundred thouſand pounds, from the known, allowed emoluments of his office, and the accumulating intereſt upon

his fortune. Mr. Larkins has told you, my Lords, that he never could get Mr. Haſtings to attend to his private affairs, and he has told you, alſo, that he was perpetually embarraſſing himſelf by doing acts of kindneſs to individuals. The Commons, it is true, have charged, that the ſeveral criminal acts alledged in the articles, were done with a view of acquiring for himſelf exorbitant wealth; but when his counſel called the gentleman who managed his money affairs in England, on a joint truſt with Sir Francis Sykes and Mr. Waller, and when that gentleman diſtinctly ſtated the amount of his fortune at different periods, and when he farther ſtated that he neither knew nor did he believe that Mr. Haſtings remitted any money to England, or to Europe, except to theſe three gentlemen, the managers did not think proper to aſk him a ſingle queſtion. Mr. Larkins, as your Lordſhips know, managed his money concerns in India. He alſo was examined at conſiderable length on all other points by the managers, except as to the amount of the private fortune of Mr. Haſtings. Your Lordſhips therefore can have no reaſon from the evidence to doubt the truth of Mr. Haſtings's repreſentation, that in conſidering the ſtate of his fortune in February 1784, he determined to ſubmit to the Company the demand which he conceived to be juſtly due to him, and at the ſame time he determined to accept as a preſent, what to that moment he had conſidered as a loan. How far Mr. Haſtings acted ſtrictly right in transferring to the Company a preſent, which from gratitude and perſonal attachment was made to himſelf, is not a matter in charge, and therefore I ſhall not dwell at all upon it. I have underſtood that Nobkiſſen was the Perſian preceptor of Mr. Haſtings, ſo far back as the year 1750, when they were both very young men; and that Nobkiſſen was indebted for his elevation, his preſent high rank and great fortune, to his early connection with Mr. Haſtings, which introduced him to the notice of Lord Clive, during whoſe adminiſtration he only ſtood inferior in point of emoluments, or in political conſequence, to Mahomed Reza Cawn.

There are two points of view, my Lords, in which the managers have conſidered the ſecond part of the charge of preſents. I have already ſtated to your Lordſhips why, in my opinion, it is impoſſible to conſider them as bribes; in fact, not being ſo charged, we cannot ſo determine upon them.

The managers, and particularly the manager (Mr. Fox) who ſummed up the evidence in reply, contended, that from the contradictory accounts which Mr. Haſtings had given of theſe preſents, it was clear that he intended for a time to keep them to his own uſe. I draw the contrary concluſion from the evidence undoubtedly. It

is absolutely impossible that a guilty man would have displayed the eagerness to discover his own guilt that Mr. Hastings has done. The contradictions prove excessive carelessness indeed, but acquit him of every suspicion of corruption, in my mind. If any noble Lord conceives from the evidence and the fair inference arising from it, that Mr. Hastings at the time he took these presents did not *bona fide* apply them to the Company's service, then most unquestionably he took them corruptly, and no subsequent appropriation of them to the public service can wipe away his guilt.

The noble and learned Lord is certainly mistaken in calling Nobkissen a money-lender, supposing him to apply the expression in the sense generally attached to it.

The next point that the managers stated, and which seems to meet the opinion of the noble Earl (Mansfield), is, that these presents, though received with the purest intention, and though applied, as Mr. Hastings says they were, immediately to the public service, were received in breach of a positive law, and consequently Mr. Hastings must be convicted of a breach of that law.

My Lords, I am not reduced to the necessity of troubling you long upon this part of the case. I shall only say that it is clearly in evidence that the King's Ministers, the Court of Directors, and every person in India, put a different construction upon the law; but whether they were right or wrong, a doubt does not remain as to the repeal of the law alluded to by the manager. Prior to the 1st of January 1787, Mr. Hastings might have been prosecuted or impeached for the mere receipt of presents under the act of 1773, and it would then have been an argument, whether the act of 1773 meant to exclude a Governor General from receiving presents, and appropriating them to the public service. But the clause on which the manager relied, being repealed prior to the impeachment; certainly the mere breach of the law is no longer a question: And if your Lordships are of opinion that Mr. Hastings received these several presents, intending at the time he did receive them to apply the whole to the public service, he must be acquitted. I am justified in my opinion, upon this point, by very great authorities, and I have no hesitation in affirming that the clause of the act of the 13th, which rendered the receipt of presents an indictable offence, is wholly repealed by the act of the 24th of his present Majesty. I shall therefore only detain your Lordships while I move "that the Commons have made good the first article, in so far as relates to a present, or obligation, received from Kelleram for four lacks of rupees.

The LORD CHANCELLOR said, that having, when their

Lordſhips laſt ſat in the Committee, taken up a conſiderable portion of their time in going through the various charges, which the noble and learned Lord had ſo circumſtantially detailed, he did not riſe to go over them again, but to ſhew their Lordſhips that according to the ſtatements to be collected from the evidence, and from the defence of Mr. Haſtings, it did not appear that the whole of the money received from Kelleram and Cullian Sing, from Nundoolol and from Dinagepore, had been accounted for by the defendant. His Lordſhip then recapitulated the parts of the evidence, to which he had referred in his former ſpeech on the ſubject, and contended that nothing the noble and learned Lord had either alledged as given in proof in Weſtminſter Hall, or argued upon as matter of inference, amounted to any thing demonſtrative, that the aggregate receipt had been entirely appropriated to the Company's ſervice. He reminded their Lordſhips, that he had on the former day ſhewn that there were two different ways of making up an account of the appropriation of the whole of the money taken in the inſtances he had mentioned: According to one of them, only five lacks and a half out of nine could be ſtated to be brought to account, and applied to the Company's ſervice; according to the other, ſix lacks might be ſuppoſed to be accounted for.

Upon the queſtion being put, the Chairman declared the *Not-Contents* had it.

Lord THURLOW then moved a ſecond queſtion, reſpecting the money received from Nundoolol, when the Chairman again declared the *Not-Contents* had it.

Lord Thurlow moved a third queſtion on the ſubject of the preſent from the Nabob Vizier.

The LORD CHANCELLOR ſaid, that he would make no obſervation on this charge, having already troubled their Lordſhips too long upon it; but he roſe to reply to what had fallen from the noble and learned Lord relative to the account of Durbar charges; and he ſtill contended, that from thoſe accounts it clearly appeared that from the preſents received by Mr. Haſtings there was a balance of nearly a lack and a half of rupees in his hands, unaccounted for—that this Durbar account was not ſent home until October 1783; therefore it was clear Mr. Haſtings, to that time, had the money in his hands, and for ought that appeared, he had it at this moment.

Mr. Cowper (the Clerk Aſſiſtant) whiſpered acroſs the table, that the managers had not produced the Durbar accounts, in order to ſhew that any balance remained in Mr. Haſtings's hands, but to prove that on the 20th of January 1782, Mr. Haſtings had received

nearly the whole of the Nabob's present. The Lord Chancellor said, he was obliged to Mr. Cowper for his information, that he was well aware of the purpose for which the managers introduced it; but being evidence, it was open to him to state to the Court the sense in which it struck him, and the effect it had upon his mind.

Lord THURLOW. My Lords, I am sorry again to intrude upon your Lordships; but this is a matter which has been so very much misconceived by the noble and learned Lord, that I am anxious to explain it, which I trust I shall be able to do completely to his satisfaction, since, from the high situation which he now fills, and which I had formerly the honour to hold, we have been continually in the habit of considering the nature of accounts. In the present case, I do not admit, that evidence, produced for one purpose, can be considered in another point of view. If the Commons had believed that Mr. Hastings had not fairly accounted to the Company for all the presents that he received, they undoubtedly would have made the omission a matter of charge, and it would have been a very serious accusation. But it does not appear that either the managers or the Commons conceived, there was ground even to suspect that Mr. Hastings had not *bona fide* accounted for all the presents to the Company. Is it to be believed that the Court of Directors or the Board of Controul would have asked no explanation of Mr. Hastings, if it appeared on the face of a public account that he had a lack and a half of rupees belonging to them in his possession? Your Lordships will see that these accounts only go to a given period, from the 1st of May 1781, to the 30th of April 1782, and in that given period it appears that Mr. Hastings received about one hundred and fifty thousand pounds of the public money, and expended in the public service about one hundred and thirty-five thousand pounds; consequently, in the accounts of the next year, he must either have expended fifteen thousand pounds in the public service, or he must have paid that sum into the treasury. From the instant he charged himself with the receipt of one hundred and fifty thousand pounds, the Council in Bengal, and the Company at home, would take care that he paid that money into the treasury, or accounted for the expenditure of it in the public service. Had a doubt been even hinted on this subject, while the parties were at your Lordships' bar, the production of Mr. Hastings's Durbar accounts for the next year would have removed them instantly; for in May 1782, he charges himself with the balance of fifteen thousand pounds, and satisfactorily accounts for it in the succeeding months. But the noble and learned Lord says, that this account

is n t fent home until October 1783, and confequently, Mr. Haftings ... the balance to that time. I am fure the noble and learned ... will immediately difcover his error. The book produced ... was the Bengal General Journal for the year 1781-2. ... it is the cuftom to fend home, as appears by Mr. Larkin's ..., running treafury accounts every year, if not by every fhip, ... the general books are always confiderably in arrear; and this General Journal, which is a book of great fize, containing many hundred pages, of which the Durbar account occupies only from the 280th to the 303d page, was not fent to England until October 1783, and on that day its contents were authenticated by the fignatures of the Governor General and Council. But the learned Lord will fee in a moment that it is not an account down to October 1783; it begins on the 1ft of May 1781, and ends the 30th of April 1782. I am fure the learned Lord muft now fee what an erroneous opinion he has formed.

The LORD CHANCELLOR rofe again, and ftill feemed to think that his former argument had not been fully anfwered, and that there yet remained a lack and a half of the Vizier's prefent, unaccounted for by the defendant.

The Archbifhop of YORK rofe the moment the Lord Chancellor had fat down; he faid, that in his time he had been a great reader of ancient hiftory, and the prefent converfation reminded him of the cafe of Cato the cenfor, one of the honefteft, and the beft men, that the Roman republic had ever produced. Yet that great man, after having filled the firft offices in the ftate with the higheft reputation, was impeached. He was impeached forty times, and he was attacked by a factious demagogue of his day, relative to the *item* of an account. When laft impeached, he was eighty years of age, and he reminded his profecutors, that a generation of men that had not witneffed his fervices, were profecuting him for trifles. What was the cafe of Mr. Haftings? No confideration for his high character, no confideration for his fplendid and important fervices—for the efteem, love, and veneration, in which he was held by the millions that he governed for fo many years. No, my Lords, he is treated not as if he were a gentleman whofe caufe is before you, but as if you were trying a horfe-ftealer.

The LORD CHANCELLOR immediately rofe, and faid there was no noble Lord prefent who felt greater refpect for the talents and virtues of the learned Prelate than he did, or who was more difpofed to confider with attention any thing that fell from fo refpectable a quarter. But he trufted the learned Prelate would confider the fituation in which he as well as their Lordfhips ftood at that

moment. Thoſe who conſidered the ſervices of the gentleman whoſe caſe was before them, to be as ſplendid and important as the learned Prelate conceived them to be, would have acted wiſely in not preferring the preſent impeachment, undoubtedly, provided they could have prevented its being preferred at all. But in the preſent ſtage of the proceeding their Lordſhips were precluded from ſaying one word of the ſervices of Mr. Haſtings, and ſtill more were they precluded from taking them into conſideration. They were trying the caſe alledged, and not the perſon of Mr. Haſtings. He was impeached on certain ſpecific charges, and their Lordſhips were now to determine between the proſecutors and the defendant, as judges, taking into their conſideration the whole of the evidence. It had been determined, and very wiſely in his opinion, to take the charges point by point. While he was delivering his ſentiments on any one of thoſe points, he naturally confined his remarks to the ſubject before him, and in ſo diſcharging his conſcience, he could not ſuffer his reſpect for any noble Lord, however high that reſpect might be, to draw him aſide from the ſtrict line of his duty; but at the ſame time he could aſſure the learned Prelate that he meant no more than to give his ſentiments on each point to their Lordſhips, merely to juſtify himſelf in their opinions, for the vote which he ſhould ultimately give.

The queſtion was called for, and the *Not-Contents* had it.

The Chairman (Lord Walſingham) then read the next queſtion.

The Biſhop of ROCHESTER ſaid, he could not ſatiſfy his conſcience entirely as to the vote he ought to give on the reſidue of the ſixth article, all the charges in which did not ſtand preciſely on the ſame grounds. With regard to the cuſtom of taking preſents, it had been a cuſtom in the Eaſt, prevalent in all times; from the moſt ancient down to the times of the preſent day. He learnt from that ſacred book, which it more immediately became him, from the duties of his profeſſion, to ſtudy moſt frequently, that it was the cuſtom of the Eaſt to bring preſents to the ruling Prince, and that the cuſtom obtained to ſuch a degree, that to neglect to bring them was conſidered ſufficient to bear out the conſtruction of acting diſobediently and contumaciouſly; and to bring them freely and in abundance was held a proof of the great eſteem with which the ſovereign ſtood with his ſubjects.

The Biſhop cited the two following paſſages from ſcripture in illuſtration of his argument:

1ſt Book of Samuel, xth chapter, 27th verſe: "But the children of Belial ſaid, How ſhall this man ſave us? and they deſpiſed

him, and brought him no presents, but he held his peace."—(The Bishop said, the children of Belial, he presumed, were the Jacobins of those days.)

1st Book of Kings, xth chapter, 24th and 25th verses: "And all the earth sought to Solomon to hear his wisdom, which God had put into his heart.

"And they brought every man his present, vessels of silver, and vessels of gold, and garments, and armour, and spices, horses and mules, a rate, year by year."

Having laid some stress on this proof of the custom of offering and receiving presents in the East in the most ancient times, his Lordship said, it was not all; that the practice still prevailed in the East; and he saw not how Mr. Hastings could, without offence to those, who offered presents to him, refuse to accept those presents; and therefore, where he received them in moments of great and urgent state exigency, and applied them to the Company's service, he really saw not how he could reasonably be found guilty of a high crime and misdemeanor. This he thought applied to the various presents received from Kelleram, Nundoolol, and the Vizier; and therefore he had not the smallest difficulty to say *Not-Content* to those charges.

Nobkissen's case certainly stood on different grounds from the rest. The money was there clearly proved to have been borrowed in the first instance for the private purposes and convenience of Mr. Hastings; and it was in evidence, that he had executed bonds, and that they had been given to Canto Baboo to deliver to Nobkissen. It certainly does not appear in evidence when these bonds were re-livered up and cancelled; but neither does it appear that they were not so delivered up to Mr. Hastings; and therefore the Committee was not entitled to presume an inference not supported by evidence. Mr. Larkins in his examination throws some light on the subject, and rather serves to shew that the bonds were regularly and duly executed, and afterwards re-delivered, when Mr. Hastings consented to accept the three lacks as a present to the Company, rather than as a loan to himself.

There was one point of view, however, in which the transaction might be regarded, that had not, he believed, been suggested by any of their Lordships, and that certainly did not place it in the most favourable light for Mr. Hastings. The Bishop said, he meant as a transaction between Nobkissen and Mr. Hastings, as between a man and his friend. It could scarcely be imagined that when Nobkissen told Mr. Hastings, he had rather he would accept the money than execute the bond, he meant to make it a present to

the Company; what he meant was, in all human probability, to preſent it to Mr. Haſtings for his own private purpoſe and convenience, from a ſenſe of obligations that he was under to Mr. Haſtings when he was a very young and obſcure man. For the Governor General therefore to turn the money over to the Company as a preſent to them, was not uſing his friend well. The tranſaction however was not charged in that view of it in the article, and therefore their Lordſhips could not travel out of the impeachment to find guilt in the defendant; they were bound to judge only of the facts as they were criminally charged, *ſecundum allegata et probata*. For which, and the other reaſons he had ſtated, his Lordſhip declared he ſhould ſay *Not content* to the queſtion.

On the queſtion being put, the *Not-Contents* had it.

The Houſe adjourned.

Wedneſday, 25th March.

The National Debt Intereſt bill, and the two Exchequer Loan bills, paſſed through a Committee of the whole Houſe, without any amendments.

Thurſday, 26th March.

Lord GRENVILLE brought down a meſſage from His Majeſty, (for which ſee the proceedings of the Commons of the ſame date).

Ordered to be taken into conſideration to-morrow.

Friday, 27th March.

The Royal Aſſent was given by Commiſſion to eight public and eight private bills. The Commiſſioners were, the Lord Chancellor, the Duke of Portland, and the Earl of Mansfield.

The Order of the Day being read for ſummoning their Lordſhips to take into conſideration His Majeſty's meſſage, which was brought down yeſterday, the meſſage was read, and Lord Grenville moved an Addreſs to His Majeſty, thanking him for his gracious communication, and expreſſing the determination of their Lordſhips to concur in making a ſuitable proviſion for the extraordinary expences that might be incurred in the proſecution of the preſent juſt and neceſſary war, and to take ſuch other meaſures as the exigencies of the times might require.

The Earl of LAUDERDALE objected to the terms in which the Addreſs was conceived. He conſidered it as voting an Addreſs, granting an unlimited ſum to His Majeſty for the proſecution of the war. In the particular ſituation of this country, connected with

allies on the Continent, whose good faith was not the most prominent feature in their character, bills might be drawn upon this country to an immense amount, and honoured by the Bank, in consequence of the pledge understood to be given by this Address, to defray every expence that might be incurred for the purpose of carrying on the war.

Lord CAERNARVON said a few words in support of the Address.

Lord GRENVILLE said, that such were the terms in which Addresses had been usually conceived, and he did not see that they by any means necessarily implied the consequence which had been inferred by the noble Lord. The extent of the particular provision to be granted to His Majesty, became a matter of subsequent consideration.

The Earl of LAUDERDALE said, that he could not help conceiving the Address, as it now stood, to be a pledge of the House to the full extent which he had stated.

Lord AUCKLAND said, that the declaration expressed in the Address was not itself a legislative act, but only preparatory to a legislative act.

The Duke of NORFOLK said, that he could have wished to know the particular sum intended to be granted to His Majesty, and whether it was the only sum that would be requested for the service of the present year. In the speech from the Throne at the beginning of the session, mention was made of a provision which it would be necessary to make in consequence of the marriage of the Prince of Wales; was this to be included in the sum now to be granted?

Lord GRENVILLE replied, that it would ill become him to anticipate any determination of Parliament.

The Address was then agreed to, and ordered to be presented to His Majesty.—Adjourned.

Monday, 30th March.

The Order of the Day, summoning the attendance of their Lordships, being read,

The Earl of GUILFORD said, that he rose at the most awful and critical period, which had ever occurred in the history of this country, in order to call upon their Lordships to appoint a day to take into consideration the State of the Nation; an object the most serious and import, which could possibly engage their attention. It was to him matter of surprize, that such a task should have devolved upon him. He should have expected that those who

were so sanguine in their expectations as to the events of the war, and who had anticipated within so short a period, the submission, if not the conquest of France, would have been the first to move for an enquiry into the causes of the failure and disappointments that had taken place. Since, however, none of those had come forward in order to ascertain what were the circumstances which had occasioned so dreadful a reverse of their hopes, and had led the country into the situation of distress and danger in which it was now placed, he felt it incumbent upon him to call upon the House to institute the enquiry. He was one of those who had never, since the commencement of the war, been apt to flatter himself with expectations of its success. In the misconduct of Ministers he had all along seen the source of many of the disasters which had taken place. But gloomy as his prospects always had been, they had been more than realized by the train of calamitous events which had recently been exhibited. They were of such a nature as to exceed any thing that had ever occurred, even in the most unfortunate æra of any former war. In laying his grounds for an enquiry, he should chiefly call the attention of their Lordships to the present state of our allies, the conduct of Government towards Neutral Powers, and the domestic situation of the country. In order that what he had to say might fall under distinct heads, he should arrange it under three classes, namely, what related to the political, the military, and the naval system, which had been pursued by Ministers in the conduct of the war. On each of these heads, he hoped to be able to convince their Lordships, that there was strong and urgent ground of enquiry. And first, as to the political system which had been adopted by Ministers. He should not now enter into the examination of the question, of the justice or necessity of the war in its first origin. But what must be obvious to every one was, that after our exertions had ceased for the defence of Holland, the object of the war had been left entirely vague and indeterminate. Ministers ought to have adopted one of two objects: either they ought to have held out that the present was a war for the restoration of the French Monarchy, in which case they would have united the views, and concentered the efforts of all the friends of Royalty; or they ought to have declared, that it was a war in order to curb the progress of French ambition, and confine them within their own territories. In either of these cases there would have been an advantage derived to the country, with respect to the prospect afforded of effecting a peace. Had the object of the war been professed to be the restoration of the French Monarchy, its absurdity would long since have been perceived, and

the people of this country would have been tired of prosecuting so fruitless a contest. Had it been declared that it was merely to curb French ambition, and confine them within their own limits, without any wish on our part to interfere with their government, an opportunity would have presented itself for restoring peace, when we were in possession of so many places on the French frontiers, and had acquired great part of their islands in the West Indies. But what had been the conduct of Ministers? They had avowed no precise object; they had adhered to no steady line of action. Here Lord Guilford referred to the different declarations which had been made by Ministers, as contrasted with the conduct which had been adopted in the prosecution of the war. At the very moment that Lord Hood was engaging to support the Toulonnese, in restoring Louis XVII. to the throne of his ancestors, Ministers were bartering with the Corsicans to withdraw their allegiance from their lawful Monarch, in order to transfer it to a foreign Sovereign. So that at the very moment they were professing to concur in the object of restoring Louis XVII. they were taking measures to dilapidate his dominions, and seduce his subjects from their fealty. What could be the effects of this duplicity of conduct, but to inspire all true loyalists in France with disgust and abhorrence, and render them even as averse to the success of those pretended friends of Monarchy, as to the usurpation of their Republican rulers? Lord Guilford next proceeded to examine the conduct of Ministers towards the neutral powers, which he affirmed had been calculated to stain the character, and lower the dignity of the nation in the eyes of Europe. It had neither been marked by that sense of honour, or those maxims of justice, which ought to regulate the proceedings of a great people in their transactions with other States. Ministers seem to have proceeded upon that broad principle, which had been avowed by Sir Gilbert Elliot, that all mankind must become parties in the present contest. The insolence of the bravado had not, however, been justified by the success of the means which were employed, in order to carry it into effect; the remonstrance of Lord Robert Fitzgerald, to the States of Switzerland, had only the effect to produce a calm and dignified answer from that Republic. Even the petty State of Genoa laughed at the high tone of those menaces, which afterwards proved to be impotent. Their conduct towards Denmark and Sweden had been marked by the same insolence, and followed by the same effects. All these powers, and the Duke of Tuscany had lately added himself to the number, had shewn, what Ministers affected not to believe, that the French were fully capable of maintaining the accustomed rela-

tions of peace and amity with other nations. He next proceeded to remark upon the different treaties into which Minifters had entered with the allies; treaties which had only proved to be ufelefs and expenfive. In all of them he found the condition, that this country was not to make peace till all our allies fhould be reftored to the poffeffion of their territories; a condition which might operate as a material obftacle to any nogotiation, and, perhaps, fcarcely be got over without a feeming breach of faith. What, he afked, was the advantage we had derived from thofe treaties? Would the Emperor have been lefs ftrenuoufly difpofed to fight in defence of his own dominions in the Auftrian Netherlands? Could the King of Pruffia poffibly have afforded us lefs affiftance, though we had not entered into the treaty of 1793, or the fubfequent fubfidiary treaty? Could the Stadtholder have been more unfortunate even though we had allowed the Dutch peaceably to fubmit to the free navigation of the Scheldt, and not forced them to take part with us in the war? Spain and Sardinia were both previoufly engaged in the war, and it was not neceffary that we fhould form new engagements in order to fecure their co-operation. Might we not have referved to ourfelves to have afforded them that degree of affiftance which we might find expedient, without pledging ourfelves to terms which might be found inconvenient in their fubfequent operation? One Ally we had of a peculiar defcription, who might indeed be truly faid to have afforded us a negative affiftance; he meant the Emprefs of Ruffia, who, though fhe affected more zeal in the caufe of royalty than any of the confederate powers, had hitherto done nothing to co-operate with their arms. She had taken another way to promote the interefts of regular governments. With her liberty and rebellion were fynonimous terms; and fhe might probably think that by crufhing the brave Kofciufko, the champion and fupport of freedom in his own country, fhe had done more to benefit the common caufe than by reducing a province or fubduing an army of the French. Lord Guilford next took a view of the military conduct of the war. The uniform train of difafters which had taken place in the operations of the different campaigns appeared to him to furnifh of themfelves a fufficient ground of inquiry. If they did not afford decifive evidence of mifconduct on the part of Minifters, they were at leaft fully fufficient to juftify fufpicion. He adverted to what had taken place at the fiege of Dunkirk, a fubject which fo much called for inveftigation, and which had never yet been explained. He next referred to the proceedings at Toulon, which equally called for difcuffion. He afked, why fo large a force had been retained on the infignificant fpot of Corfica, to the detri-

ment of our other exertions? From the want of a sufficient force in the West Indies, the acquisitions which we had made in the French Islands, had again been wrested from us, and he wished that even our own possessions might be safe in that quarter. How could Ministers explain the circumstance of so large a force having been suffered to remain inactive at Southampton, where a gallant Commander, of whose military talents he had the highest opinion, had been employed only in drilling the new corps? But a circumstance more remarkable than all was, that several regiments destined for the service of the Colonies, had been suffered to remain for months in the transports, and to pine away with disease and sickness. Whether this had taken place from the neglect of the Board of Admiralty, or the Board of Ordnance, or, as he rather suspected, in consequence of some disagreement in the Cabinet, he should not take upon him to determine. Whatever might be the cause, the fact was such as called for the most serious investigation. A still more melancholy object of consideration was the situation of our brave countrymen on the Continent, who had been driven from the walls of Landrecy to the extremities of the Rhine, and had gradually been suffered to perish in useless conflicts, till their numbers were now diminished from 30,000 to between 7 and 8,000. The only hope that remained in their present situation was, that the miserable remnant might yet be able to return to this country. He mentioned a letter which had been received from the army, in which the soldiers were described as without clothes, without provision, without pay. It had been stated that the sick and wounded had suffered greatly from the want of proper medicines and conveyance, and even when brought to a place of security, from a deficiency of common accommodations. These were facts which called for the most rigorous investigation; and if in the result they should be found to be true, no blame could be too great for the neglect or misconduct from which they had proceeded.

Lord Guilford next took a view of the naval service of the war; the most material object of consideration to this country. The same neglect and failure which appeared in the other branches of the service, were not less discernible in this. He particularly remarked the culpable deficiency of convoy, and the number of captures, which exceeded the calculation of any former war. He knew that these captures had been ascribed to the increase of our commerce; but this argument was refuted by the high rates of insurance. For though in consequence of the increased number of shipping, more might be liable to be taken, the risk did not become greater to a single ship. He mentioned the injury which commerce

had ſuffered from the dentention of veſſels in conſequence of the want of convoy for ſuch a length of time, that the profit was entirely ſwallowed up. The higher rates of inſurance were ſuch as, in ſome places, to operate as a total embargo upon trade. Notwithſtanding the circumſtance that we engaged in the war with a navy ſo greatly ſuperior to that of France, the French fleet had been ſuffered to parade in our channel without oppoſition or annoyance. And while ſo many of our veſſels had been captured, and our ſeamen carried into French priſons; the two moſt important convoys of the enemy had been permitted ſafely to reach their deſtined ports. In every inſtance, in which Britiſh Commanders and ſeamen had been engaged, they had ſhewn, by their ſkill, and their gallantry, that no blame whatever could attach to them, and that the fault muſt entirely reſt with thoſe who had the chief direction and diſtribution of the Naval force. Such were ſome of the leading facts to which he wiſhed to call the attention of their Lordſhips, and which he conſidered as conſtituting proper grounds of inquiry. Wherever we turned our view, there appeared nothing but actual diſgrace and future calamity. What was the ſtate of our reſources and our proſpects? We had already expended ſeventy millions in the conteſt. What dependance could we have upon our Allies? The treaſury of the Emperor was exhauſted, and we had no reaſon to think that of his Spaniſh Majeſty in a better condition. One Ally we had decidedly loſt, and we had reaſon to fear that the reſources of Holland might in future be employed againſt us. Any aſſiſtance from Ruſſia was very precarious; and we had no hope of being able to carry on the war, except at the expence of the wealth, the commerce, and the manufactures of this country. The demand for Britiſh commodities muſt conſiderably decreaſe in conſequence of the ports of Holland being ſhut againſt us; thus, if we continued the war, we had only the proſpect of diminiſhed reſources and accumulating burdens. The ſtate of population was another object of ſerious attention; already in the courſe of the preſent conteſt 50,000 had been loſt to the national force, and at what a moment would Miniſters be obliged to impoſe freſh burdens upon the people! At a period when they had libelled their attachment to the conſtitution, when they had repreſented them as actuated by a miſchievous ſpirit, and had thought proper to ſuſpend their freedom, and to reſtrict their communication with aliens. What meaſures had Miniſters taken to allay the diſcontent, if any ſuch exiſted, in the minds of the people? On the contrary, was not their conduct calculated to inflame it, and to call it into action? He alluded to what had lately taken place in Ireland,

and to the palpable evidence which there had been given of the misconduct of Ministers. In that quarter Ministers had no Commanders to divide with them the responsibility; *Nihil praefectus nihil cohors nihil turma desumpsit.* The blame must entirely rest betwixt Earl Fitzwilliam and the Cabinet in this country. As a man, he might have his partiality; but, as a Lord of Parliament, it was of no consequence to him where it should be found to attach. It was not the question, whether Earl Fitzwilliam had acted rashly, precipitately, and if so, foolishly and wickedly, by holding out to the Catholics terms which he was not authorized to grant; or whether he had been deluded by his new friends and abandoned by his old. With a view to enquiry, it was of no consequence whether he had lent himself as the instrument of their delusion, or had been the dupe and the victim of their perfidy. The fact was certain, that misconduct had taken place, which might in its consequences be extremely hurtful, and which called for public reprobation on its authors. He did not apprehend that sort of danger of which others were apprehensive; he was not afraid of riot and insurrection in Ireland; he trusted to the good sense of the people to avert any such effects. But he was aware of the importance of that kingdom in every point of view to Great Britain. It had furnished not less than a third of the men for the service of the present war; and he feared that the effect of such treatment might be to alienate the affections of the Irish from this country, and prevent them from affording it assistance in future. Having touched on these points, he should no longer detain the attention of the House. He should only remark that motions for inquiry had often been made on occasions much less important than the present, and had never in any instance been refused. The present was the most critical and momentous period which had ever occurred, and loudly called for an investigation of the present state, and the future resources of the country. Whatever might be the result of that investigation, whether to advise or to punish the servants of the executive government, whether to persist in the vigorous prosecution of the war, or to adopt steps with a view to negociation, he should not pretend to anticipate; but he trusted at least, that their Lordships, both from a sense of duty and a regard for the interests of the empire, would not decline the enquiry which he now proposed to them to institute. He concluded with moving, that the House do now resolve itself into a Committee of Inquiry.

The Earl of SUFFOLK said, that though unaccustomed to trouble their Lordships, he had not been inattentive to the commencement of the war, the mode in which it had been carried on,

and the confequences which had refulted from it. With regard to the military operations of the war, he certainly agreed with the noble Earl that they had been attended with very ill fuccefs; but when he allowed this, he muft at the fame time give his decided opinion that better or braver exertions never had been made in any war, than His Majefty's forces had fhewn upon every occafion. He therefore thought that the blame that could be laid in confequence of the univerfal failure in all that had been attempted, muft be with thofe who conducted His Majefty's Councils, and who had formed plans which had they been wife and proper, would have been executed with that fpirit, alacrity, and bravery which had fo particularly diftinguifhed the behaviour of the Britifh foldiers and officers, wherever an opportunity occurred of fignalizing themfelves. His opinion was that we ought to defift from a continental war; or if we muft carry it on, that we ought to withdraw the Britifh troops, fubfidize the Emperor of Germany liberally, for which we muft compel him to give not a nominal but an efficient fupport, and then let us confine our exertions to our naval ftrength, and the internal fecurity of the country. What had already happened, he thought was fufficient to induce them to follow this advice. When noble Lords talked of the fucceffes of France in different quarters, as conquefts which her power and refources made inevitable, he could not agree with them; he faw no fuch power in France, nor any reafon to dread it. Holland certainly could not be confidered as a conqueft; force was not neceffary to attach her to France; on the contrary, the great majority of the people were previoufly difpofed to favour French principles, and adopt her form of Government; and where that was the cafe, it could not be called conqueft. He faid, if it was not irregular, he would read part of a fpeech delivered in another place by a great perfon, in whofe opinion he perfectly coincided, refpecting the continuance of the prefent war.

[Here the noble Earl read from one of Mr. Fox's fpeeches, early in the feffion, his opinion about withdrawing the Britifh troops from the Continent; and if it was found neceffary to perfift in Continental war, that we might then fubfidize Germany, but infift on having efficient aid from that power.]

His Lordfhip contended, that every confideration, and every active operation on the part of their Lordfhips, were certainly due to the very important concern which ought, in the prefent moment, to occupy the minds of all—the defence and fecurity of this country againft powerful attacks of the enemy with whom we had to contend. In confidering this fubject, his Lordfhip faid, three places appeared to him as particularly neceffary to be attended to, with re-

gard to their peculiar ſafety. Theſe were the metropolis, and the two dock yards. To do this with effect, would require three armies. He would, beſides theſe, adviſe that another army ſhould be placed in ſo central a ſituation between theſe three, that on an alarm being given of an intended attack upon any of the others, this army of reſerve might immediately ſend off ſuch reinforcements to either, or any of thoſe which might want them, as would be ſufficient not only to check the enemy, but effectually to prevent them from making any ſerious or important impreſſion into the interior of the country, if ever either adverſe winds, or any unforeſeen accidents attending our fleets ſhould ſo far favour them, as to permit them to make good a landing of their troops in the country. In order to do this with the greater facility, it was his Lordſhip's advice farther, that machines, upon a particular conſtruction, for containing fifteen or twenty men each, ſhould be immediately adopted, upon ſuch a principle, that they might be drawn with a ſpeed and convenience, by a few horſes to each, ſo that in a few hours a very large body of troops might be ſent from one quarter of the kingdom to another with perfect eaſe to the men, who would, on being ſet down at or near the place they might be wanted at, be inſtantly fit to proceed on the moſt active ſervice, without being jaded and harraſſed by the fatigues of a long and weariſome march. And all this might be done, without putting horſes in a ſtate of requiſition, as he believed, in the interior of the country, it would be found that they would be very abundant for the purpoſes he had mentioned. The awful ſituation of the country, his Lordſhip obſerved, loudly called on the Houſe to give their moſt pointed attention to ſeveral other matters of great moment, which no leſs regarded the ſafety and welfare of the nation. The times particularly called upon their Lordſhips to exert their utmoſt efforts in the economy ſo neceſſary to the country, by ſetting themſelves a noble example to the reſt of the people. For his own part, the noble Lord ſolemnly proteſted that he would, with the greateſt pleaſure, ſacrifice one half of his fortune to preſerve and ſecure the other half. If he thought he ſhould be ſeconded and ſufficiently aided in the deſign, he would very contentedly reſtrict himſelf to the one half of his annual income, and appropriate the other to the ſervice of his country, as a means of ſecurity for what he ſhould ſtill poſſeſs. This was a duty which he thought their Lordſhips owed to themſelves. It was a duty, which they, in a very eſſential manner, owed to their poſterity. Their Lordſhips had received a conſiderable portion of liberty from their forefathers, and were in juſtice bound to deliver over an equal portion of freedom and happineſs, if poſſibly in their

power, to their immediate posterity at least. He was in hopes this example would also be attended to, and followed by those also who had even an higher stake in the country than their Lordships, and whose posterity and relative connections had equal claims from them. He was the more easily induced to form these expectations, because he thought that every one who turned his eye to a certain illustrious, but unfortunate, Prince now in this country, must see at one glance how very necessary it was to provide, in time, the most effectual barriers possible against those sudden transitions and reverses of fortune to which the best, the wisest, and the most exalted characters are daily and hourly liable. His Lordship said, he was for adopting these measures which he had proposed, because he was convinced they would have a very great weight on the minds of our enemies. If they perceived that all ranks of people, from the highest to the lowest, were bent on a rigid attention to economy, in order by their unanimity to raise a grand bulwark of defence against the common foe, his Lordship thought it would do more to make them desist from any design they may have entertained of attacking the peace of this country upon our own shores, than any other that can be devised. A great deal had continually been said of the resources of this country; he was happy to think and to say that these were really very great; but still these resources ought not to be stated too deeply. Here again the claims of posterity came forward with great force and energy, and it behoved their Lordships to take care that they did not leave their posterity beggars, as much as they would strive to prevent them from being slaves. The best and most efficient resources might be drained too far; it was most prudent to lighten the load of expenditure in good time, that the mischief might be stopped before it became too late. His Lordship said he would not wish to trespass longer on the time of the House; he had taken the liberty to throw out a few hints to their Lordships' consideration, which he hoped might be more conducive to the service of the country, by the abilities and exertions of those who were more adequate to the task, which was both arduous and highly important. His Lordship said, he should be for a Committee to take the subject into consideration, but he believed it would be such a Committee as would not, by any means, call forth the suspicion or jealousy of His Majesty's Ministers. His Lordship then mentioned his Royal Highness the Duke of York, Lord Amherst, Lord Moira, Marquis Townshend, and as he did not mean it to be merely a Committee composed of Members of that House, he named Sir William Howe, and two or three others; saying, it was a Military Committee he wished to see established, consisting of nine or ten

Officers diftinguifhed for the fuperiority of their talents in military affairs. He had mentioned the matter, in hopes His Majefty's Minifters would take it up, and he fhould wait fome fhort time to fee if they did fo. If they did not, he faid he would certainly take up the bufinefs, and bring it regularly before the Houfe himfelf.

Lord GRENVILLE faid, that repugnant as it was to his difpofition to trouble the Houfe with details, involving points which could not at this time of day be very new to their Lordfhips, he could not, with juft regard to his fituation in that Houfe, and as a Member of that Adminiftration which had been fo often and fo pointedly alluded to by the noble Lord who made the motion, give a filent vote. He would, however, promife the Houfe not to detain them very long; for although the fpeech with which the noble Lord had prefaced his motion, contained much to do credit to the abilities of the Mover, it had very little in it, he was fure, to enforce the converfion of the Houfe. Not one point of importance could he obferve in it that had not been repeatedly difcuffed, and as often decifively determined by a large majority of their Lordfhips, one only excepted; and as that point was entirely new, he felt it to be his duty to take it up firft, and combat the inferences which the noble Lord had endeavoured to draw from it. The Houfe he was fure would run before him in concluding that the point he alluded to was the prefent ftate of the fifter kingdom, which the noble Mover had defcribed as being (and had called upon Minifters to acknowledge it) in a ftate of irritation and danger. He declared that he regretted, and he thought, that on confideration their Lordfhips muft all regret, that the fubject was introduced at all in that Houfe; for he was confident, that if that irritation or that danger which the noble Lord expreffed, did really exift in Ireland, or was to be apprehended, every true friend of this country muft decide, that they fhould not be met with public difcuffion: for there was nothing more obvious to common fenfe, nothing lefs deniable in fact, than that public difcuffion would produce nothing but increafed irritation, additional dangers, and inconveniences, incalculable. The Houfe, therefore, would acquit him of neglecting his duty, or abandoning the queftion, though he declined the difcuffion of it at prefent. On the various points urged by the noble Lord on that topic, he would therefore now be filent, and content himfelf with afferting, and pledging himfelf, when requifite, to prove, that whatever irritation, danger or convulfion, might happen, if any fuch fhould occur, no part whatfoever of it could be attributed to His Majefty's Minifters on this fide of the water. Their Lordfhips would fee that it was a matter of great delicacy to bring into difcuffion in that Houfe the

businefs of another country, and it was with proportionate reluctance he faid even what he had. He would therefore reply to the other general points on which the noble Lord had founded his demand for an inquiry. The grounds on which the noble Mover chiefly built his arguments were merely hypothetical prefumptions of the ill fuccefs of the allies in the war, and of the difficulty of our fituation; both faid to be arifing from either mifconduct in the adminiftration of affairs, or fome radical defect in the fyftem of our Government. He hoped their Lordfhips would not refufe him their belief, when he declared that he would be among the laft men in the world to diminifh or extenuate to their view the real ftate of the country; more particularly if, as the noble Lord who made the motion afferted, that State was marked with the menacing features of danger and ruin. On the contrary, if their Lordfhips feemed to be infenfible to fuch a fituation, if it exifted, he would be one of the firft to roufe them to a fenfe of it, to hold up the picture in its true point of view, and urge them to look it full in the face. Such as the ftate of the country was, he wifhed it to be fully confidered, and amply difcuffed; but in that confideration and difcuffion he relied on their Lordfhips' wifdom to avoid extremes, and to fee it in a juft difpaffionate point of view, and not fuffer aggravated ftatements, groundlefs prefumptions, and unfounded hypothefes, to warp their judgements, or reprefent the fubject in a light not warranted by real facts.

As to the refult of the war, he infifted that there was not even *prima facie* prefumption of its being unfuccefsful or ruinous on the part of Great Britain—he relied upon it, on the contrary, that it was fuccefsful and profperous; and that ftated as relating to England only againft France, all the ill fuccefs was on the part of the enemy.—[A cry of hear! hear!] "Noble Lords." continued Lord Grenville, "who chufe to refufe their affent to this "pofition, may do fo at a proper time, and deny or argue it "away; but they will do it with more advantage to themfelves, "and more juftice to me, to hear my argument before they at-"tempt to controvert it." He then repeated his affertion, that the war, as between England and the Enemy, was certainly fuccefsful, and called upon the Houfe, in deciding upon that point, to look to thofe parts of it which immediately applied to England individually—to look to the naval war—to look to the war as carried on in the Colonies. Were any of our ports, he demanded, blocked up? or was our commerce deftroyed? Could that be faid to be the cafe with France? were none of her ports blocked by our fleets? was her commerce not deftroyed? In the Medi-

terranean, was it our fleet or that of the enemy that rode triumphant? was not our naval superiority in that quarter undisputed, and were not the consequences adequate to that superiority? did not Toulon yield to the imposing force of our arms? and though we could not retain it, did not the taking of it give an irrecoverable crush to the navy of France, and enable us to destroy the chief arsenal of the enemy? was not the British fleet even now riding at the mouth of Toulon insulting that port, and intercepting its commerce, and did the French dare to come out or hazard an engagement to save that commerce? The answers to those questions were obvious, and were conclusive in point to his assertion. In the Channel, continued Lord Grenville, the superiority of our fleet to that of the enemy is acknowledged—of that their Lordships had proofs, fortunately of so cogent and irresistible a kind, as were not to be encountered by either assertion or argument—they had the internal evidences of their own recollection—for surely the memory of the glorious action of the first of June was not yet so far obliterated, nor had the impressions it had made on every patriotic bosom in that House, so faded away, as to leave their Lordships susceptible of a contrary impression, even from the respectable authority of the noble mover's assertions. He was aware that every puisne advantage had been taken of the occasional returns of Lord Howe into port, as well by noble Lords in argument, as by the enemy in sallies from their ports—but he would put it to the candour of the House, whether any possible superiority that one great naval power might be supposed to have over another great naval power (for France had always a very considerable navy), could enable that superior power to keep the sea continually, without any interval for repair, any opportunity for recruiting or getting refreshment. It was only on the return of our fleet to port that the French fleet would venture to sea, one occasion only excepted—when having a convoy returning to France, on which the very physical existence of the people and their army depended, they found it expedient to hazard an engagement rather than lose the convoy—and the result then was such as might be expected—the convoy was saved; but the fleet, and in it the whole navy of France, paid the price of the convoy; encircled the brows of the British navy with fresh laurels, and bore testimony, never to be controverted, to the truth of his position, that the war on our part individually had been successful. He need hardly add, as it was too well known to be denied or doubted, that our superiority in the East and West Indies was no less decided.

Having discussed the point of our naval superiority, Lord Gren-

ville proceeded to the next topic—our commerce, on the sufferings of which the noble Lord, he observed, had laid great stress. He confessed that our losses in that way were considerable; said he regretted it as much as any one, though it must be matter of deep regret to all—but still he contended, great allowance should be made for the situation in which we stood with France, who, in point of fact, had no commerce to lose. Her views in the war were in that respect different from ours. The little commerce she possessed was abandoned by her, while we were obliged to send large squadrons and fleets to protect our convoys and cover our trade, scattered as it was over the whole face of the globe. It was no wonder that our commerce should suffer from a whole Navy which had nothing to defend, and of course nothing to distract its attention from depredation and pillage; but was it not an undeniable fact, that when compelled to run for shelter into one of their ports not fitted for their reception, they were blocked up there, and chose rather to run the hazard of bad harbours and other mischiefs, than risk the encountering of a squadron of ships? In the East Indies, his Lordship stated, we had made ourselves masters of all their possessions without exception; and in the West Indies there was but one island the French could call theirs: but he had not yet heard it asserted by the boldest vaunters of French successes that we had lost an island—that we had a port blocked up; or that our fleets were in any instance constrained to skulk from the enemy.

On the Continent, he admitted, the French had been greatly successful; but that very circumstance was an argument that cut in favour of the doctrine held by administration, of the necessity of our interference, without which, and our aid, it amounted to a certainty, that that inundation of armed furies would have over-run all Europe, and turned the scale still more against the interests of Great Britain, as well as of all the civilized world. What the event in that case would have been, it was impossible to tell distinctly—it must have been undoubted ruin; but to what extent who could ascertain? Their Lordships would observe, that the system of warfare on which we acted, was that of distracting, as much as possible, the attention of the enemy, and thereby inducing her to divide her forces. This system was founded on common sense, and experience came in aid of common sense, to direct that diversion as the best mode of operation that could in their cirumstances be pursued by the British forces.—The next point to which his Lordship adverted, was the allegation of the noble Peer who made the motion, that Ministers should have taken the alternative of two distinct objects, and made one or other the jut of the war. To encounter

this, he would only remind the House, how repeatedly it had been decided on full discussion and ample deliberation, that this was a war of aggression against us. Unless their Lordships then would depart from their own former manifold decisions, this was conclusive. What became of the noble mover's arguments on that point? —In determining with respect to a war so commenced we had no option in the choice of the object. Nothing could be our object but a secure, honourable, and permanent peace; and if the House encouraged metaphysical arguments on hypothetical positions respecting it, the attainment of that object would only be procrastinated, and rendered more difficult.—As to the charge against Ministers of misconduct to neutral nations, it was a subject delicate and difficult to discuss. He could, with all the boldness appropriate to truth, assert, that the conduct of Ministers to those nations was uniform and consistent—in a war which from its nature and origin intimately affected all Governments, it was natural to endeavour to prevail on all nations to embark with them—it was their duty, when nations professed neutrality, to see that that neutrality was real, and not partial nor delusive, and to compel them to act upon the true spirit and principles of neutrality as laid down by the laws of nations. If, however, the noble Lord had taken the pains to inform himself fully on the subject, he would have found that there never happened a naval war without discussions of an embarrassing nature, with all the maritime nations, on the subject of neutrality. As to the concessions asserted by the noble Lord to have been made to America, he could hardly, with propriety, speak of a treaty, which, though signed, was not yet ratified. When that was done, he undertook for himself and colleagues, to shew that it was fraught with mutual honour and advantage to both countries, and he declared, that he should always consider the conduct of the gentlemen, who carried on the negociation on the part of America, as highly honourable to them, marked as it was by temper, moderation, and good sense.

Lord Grenville then entered into a vindication of the measures of administration touching our alliances; and particularly alluded to a sneer of the noble Lord's, at an expression of an honourable friend of his in another House. The noble Lord had said, the Empress of Russia, one of our allies, carried on a negative war for us. Without making any remark on the sarcasm intended, he would observe to the House, that the Empress of Russia served the confederacy very effectually: she had shut her ports against the French, and thereby done them most material injury. If this alliance had been omitted on our part, and the French by that omis-

ſion had been permitted to avail themſelves of the vaſt reſources for their navy and army to be drawn from the Ruſſian empire, the noble Lord who made the motion would probably be the very perſon who would declaim againſt the neglect of Miniſters, and move for an enquiry into their conduct. His Lordſhip intimated that we might perhaps ſoon derive a more ſubſtantial aid from the active co-operation of the Empreſs in the war.

As to our finances, Lord Grenville declared, that when the noble mover entertained the Houſe with a deſcription of the exhauſted ſtate of thoſe of Great Britain, he could hardly help believing that the noble Lord was talking of thoſe of France.—He then drew a very favourable picture of the reſources of Great Britain, and compared them with thoſe of France, which he deſcribed as at the laſt ſtage of ruin: aſſignats being now at 80 per cent diſcount; ſo that for every 20l. they expended, they actually paid 100l. and thus the depreciation of aſſignats creating a greater neceſſary expenditure, and the increaſe of expenditure producing a greater depreciation in the value of aſſignats, acting, and re-acting as mutual cauſe and effect upon each other, they were bringing their reſources with daily accelerated rapidity to diſſolution; while the commerce of Great Britain, greater than it ever was at an period of peace (two years only excepted) gave new vigour to our reſources, and was an inexhauſtible fund for the ſupport of any war neceſſary for the honour and ſecurity of Great Britain. His Lordſhip concluded with declaring, that he would vote againſt the motion.

The Marquis of LANSDOWNE ſaid, that for ſome years paſt the energy of Parliament appeared to have been greatly on the decline. Until the year 1721, there was no inſtance of Miniſters refuſing copies of the inſtructions given to Commanders, or an account of the diſpoſition of forces, if called for by either Houſe of Parliament. Would their Lordſhips now ſhew that they conſidered themſelves as ſent thither to paſs turnpike bills, or to vote away the public money, as Miniſters directed, without ever preſuming to inquire into the application of that money? Such was now the decay of the energy of Parliament, that he feared it could never be recovered, but by ſome great and important renovation in the compoſition of it, a renovation which he ſincerely wiſhed they might not have forced upon them in times of trouble and combuſtion. The noble Lord who made the motion, opened it ſo largely, and in ſuch a way, as to give every one of their Lordſhips an opportunity of voting for the Committee, although they might differ from the mover, as to the particular grounds of their vote. The noble Secretary of State had allowed, that many of the points were fit

subjects of discussion, more especially the probability of success in continuing the war. Last year, according to the noble Secretary's then arguments, the war was all a continental war. The noble secretary now told their Lordships, that it was particularly, and almost entirely, an English war. This was a distinction with respect to which it was important for their Lordships to inform themselves, which they could not do if they rejected enquiry. Our allies appeared to be allies only for the purpose of taking our money. The King of Prussia acted only with a view to his own interests, as it was very natural to suppose he would act. The army of Austria, even by Austrian accounts, was exhausted, famished, in want of every thing, and incapable of acting, but in as far as we should pay. The noble Secretary at length saw hopes of more substantial aid from Russia than prayers and manifestoes. Whence those hopes originated he could not tell; but it was not wonderful that Russia should begin to think of forming more intimate connections, when she saw herself threatened with an alliance of all Europe against her to oppose the exorbitant growth of her power. The liberty of Europe depended upon the independence of Germany. It had always been the ancient policy of France, to maintain that independence by supporting the weaker States against the strong. What was now the situation of Germany, surrounded as it was, and hemmed in on all sides, by the great powers of France, Austria, Russia, and Prussia? France was still disposed to assist in defending the independence of Germany; and it was an argument fitter for porters than men sitting in a Cabinet, to maintain that this disposition in France was to be checked and counteracted, on account of the objections we might have to her internal government. Was it wise, was it the conduct of statesmen to endeavour to make France enter into the spirit of partition, and purchase the tacit assent of other powers to making conquests, by conniving at theirs? Prussia being a state whose power depended on artificial means, it was to be expected, and perhaps to be justified, that he upon all occasions should think only of his own particular interests; that he should avail himself of our money in pursuing those interests, if we would insist upon cramming it down his throat. Austria had the opportunity of negotiating with France with us in her pocket. She could say to France, "England is so bent upon the prosecution of the war, that from England I can when I please have my own terms. What have you to offer as an equivalent for my renouncing the connection with England?" Thus, for our allies, we were to take the leavings of every other power, or to be left to contend against the colossal power of France alone.—Much stress

had been laid upon our succefs in the naval part of the war, the protection afforded to, and the increafe of, our trade. The fair criterion of this fuccefs and this protection was, as the noble Lord who made the motion had ftated, the rate of infurance. It was a fact not attempted to be controverted, that fo much had the credit of private underwriters been affected by loffes, that merchants preferred giving ten per cent. to infurance companies, to giving feven to individual underwriters. It was a fact that twenty-five guineas premium had been refufed for a voyage to Jamaica. For near eight months our trade to Bilboa, a trade doubly valuable, becaufe it took off our cloth, and returned us wool, had been totally at a ftand. Were thefe fubftantial proofs of the fucceffes of our navy? Look at the North feas; on Saturday laft the merchants had been more than feventy days without returns of correfpondence, which, under other circumftances, might have been received in eight; from which there was every reafon to infer that the packet had been captured. In the Weft Indies, Martinique, Guadaloupe, St. Lucia, had been taken by the ability and zeal of two gallant officers, over whofe merit it was now thought proper to draw a veil, as if they had performed no fervices at all, becaufe what they had had the zeal and abilities to take, Minifters had not the fkill to defend. Of thefe Martinico only remained. In St. Domingo we could not pretend to fay that we had made any permanent conqueft; the remnant of the few troops we had fent thither were moft probably before this time withdrawn. For the whole of the Weft Indies 20,000 men would be required, and at prefent we had not 6,000. We were now talking about fending out infantry and cavalry; when they might be fent he did not know; at the earlieft they muft fail in April, and arrive at the places of their deftination at a feafon when they muft fall facrifices to the climate, as thofe who had gone before them had fallen. If their Lordfhips fhould think to go into the inquiry, they would find that fuch only of our manufactures had flourifhed as were called for by the war, and paid for with our own money, while all that ufed to be taken off by foreign trade were either totally at a ftand or lamentably declined. As our ftill remaining manufactures were fupported only by the war, fo was much of our ftill remaining commerce. This country, in confequence of the peculiar circumftances of the war, had become in a great degree the depot of commercial property, which, on the reftoration of peace, would quickly flow back to its former channels. The taxes of the year were proofs of the difficulties to which we were reduced. The taxes on wine, on tea, on fpirits, could only be productive until the revival of fmuggling, which experience had

shewn increase of taxes on those articles beyond a certain amount must always produce. But it seemed Ministers had new projects for carrying on the war. They were to invade France, not to co-operate with the Royalists in La Vendee, for they were no more; but to aid the Chouans in Brittany. He must cry shame upon such a project, whoever entertained it. Who did not know that Brittany was the Wales of France? Much better would it be to negotiate with France for the restoration of the emigrants; or if that could not be, to give them half a million or a million of money, as we had given to the American loyalists; not as rivals to France, but as men to men. The conduct of Ministers with respect to Ireland, was such as to invite an attack upon it; and then they told their Lordships that the affairs of Ireland were too delicate to be enquired into. If he saw reason to apprehend a civil war; if he saw troops transporting from place to place, and regiments changed for other regiments that were thought more to be depended upon to enforce the measures of government; was he not to enquire what were those measures, and what the conduct or misconduct which had produced a state of things so alarming? If there were any people more to be led and less to be driven than another, it was the people of Ireland. He was old enough to have opposed the first measures which led to the fatal necessity of force in America. Neither for England nor for Ireland was the system of force better calculated than for America. That great minister, Sir Robert Walpole—a great minister he was, and although educated with many prejudices against him, ever since he had examined his character more particularly, he believed an honest minister—prescribed open, pacific, conciliating measures for Ireland, but never soldiers. He should not have slept if he had omitted calling their Lordships' attention particularly to this most important subject. Of all the misfortunes of this successful war, as they were pleased to call it, the greatest perhaps was, that ministers always misjudged the character of the people with whom they had to deal. They had misjudged the character of the people of America, and imagined that they were to be bullied into submission by injury and insult. The people of America were wise enough to see our folly, and moderate enough not to be so ready to take offence as we were to offer it. They knew that moderation and firmness must obtain the advantage over inconsiderate folly, and they were not deceived. He hoped the people of Ireland would imitate the example of the people of America, and not suffer themselves to be irritated; convinced that the peevishness, passion, or prejudice of Ministry, must yield in the end to the temperate and united wishes of a nation. The

Catholics of Ireland had ſhewn great wiſdom on many former occaſions; and having, in part, reaped the fruits of it, they would not, he truſted, ſuffer it to forſake them on the preſent trying occaſion. Miniſters had miſjudged the character of the people of France, and every plan founded on their conception of that character had failed;—they had miſjudged the character of the people of Holland; forced them into a war againſt their inclination—and Holland was loſt. He much feared they were now likely to miſjudge the character of the people of this country.

The ſpeech of Boiſſy d'Anglas, as far as it could be conſidered as indicating the diſpoſition of France, invited to negociation. "Some cruel and crafty politicians," it ſaid, "would perſuade the nations of Europe, that we alone are inſenſible to the cries of ſuffering humanity; that we alone thirſt for their blood; that no peace with us can be ſafe or honourable; that the continuation of the war is advantageous to them; and, finally, this abſurd contradiction, that on the one hand, our pride and our ambition are too formidable for us to be treated with, and, on the other, that our efforts have too much exhauſted us, not to afford them hopes of certain ſucceſs, by continuing the conteſt.—We ought to convince all virtuous men, that we deteſt war, without fearing it; that we are always ready to put a ſtop to its harrors, when a peace ſhall be offered to us, conſiſtent with our dignity, and capable of guaranteeing our ſafety. We ought, at the ſame time, to advertiſe to the people of all nations, that ready to negotiate with frankneſs, we will not ſuffer our arms to be paralyzed, or our triumphs to be ſuſpended, by negociations falſe or futile." He would not trouble their Lordſhips with reading more of this ſpeech, which had been adopted by the Convention as their manifeſto. It was incumbent on Miniſters to anſwer this manifeſto. Another circumſtance worthy of notice was, that the Abbe Syeyes having ſpoken in the Convention againſt the war, was immediately elected into the Committee of Public Safety. Syeyes, although not a diplomatic man, was a man of great character for abilities, and his councils were ſuppoſed to have a great influence on the various events of the revolution; and this report, if true, was no inconſiderable matter previous to the opening of a campaign, the iſſue of which could not be good, and the evil of which no man could calculate. It remained to be ſeen when ſo many grounds for enquiry unfortunately exiſted, whether Miniſters would make a new precedent, and refuſe granting inquiry, for no reaſon, but becauſe inquiry was neceſſary.

Lord GRENVILLE ſaid, in explanation, that he had not ſeparated the intereſt of this country in the war from the intereſt of the powers on the Continent.

The Duke of RICHMOND ſaid, that having formerly brought forward a motion of inquiry, he felt himſelf called upon to ſtate his reaſons for oppoſing a ſimilar motion now. The war reſpecting which he moved to inquire was founded on principles radically wrong. The preſent war was founded on principles perfectly right, on the protection of property, on the exiſtence of civil ſociety; it was in fact a defenſive war. Into the conduct of the war an inquiry might take place at the proper time. When that time came it would be found that the conduct of a noble Lord, lately at the head of the Admiralty, far from deſerving the blame imputed to him, had been meritorious. He could not, however, agree that the war had been fortunate; or that it was now fortunate with reſpect to our naval exertions and the colonies. It had ever been his opinion, that the leſs we had to do with Continental connections the better. Experience, however, had proved, that the exiſtence of Holland as a friend was eſſential to the intereſts of this country. At the end of laſt war, an able Miniſter ſent to the Hague had brought back Holland to the right line of politics. While Holland was our friend we could turn all our attention to the Weſtward. When Holland was our enemy it was extremely difficult to provide ſufficiently for defence to the Eaſtward, and collect ſufficient force at the ſame time for the neceſſary operations to the Weſtward. This difficulty a late noble relation of his (Lord Keppel) had felt, and deſerved great praiſe for overcoming when a fleet was to be ſent to the relief of Gibraltar. Carrying our interference in the affairs of the Continent farther than was neceſſary for the ſecurity of Holland, and taking up the affairs of all Germany, he did not approve. He had oppoſed the motions for peace made at different times in that Houſe; but he would not have oppoſed a diſtinct motion againſt the connections we had entered into for carrying on the war. Auſtria had actually abandoned us in the middle of the campaign; and the Auſtrian army would not delay its retreat a ſingle day to enable us to ſave our ſtores. If the war had been a naval war, we ſhould have ſtood upon high ground, and poſſeſſed great influence with every power in Europe. It might be ſaid, that our interference on the Continent had not impeded our naval exertions; but this could not be ſtrictly true. Our attention had been diſtracted, and the immenſe tranſport ſervice alone had employed a great number of our ſeamen which might otherwiſe have manned ſhips of war. The object was now the defence of Great Britain, which was to be ſe-

cured by augmenting our navy, not by giving immenſe loans to Auſtria. The inclination of the French to make peace muſt appear in a leſs queſtionable ſhape than that of ſpeeches, before any reliance could be placed upon it. Much of the language held in that Houſe, ſerved only to encourage them to perſevere in the war. Had they yet made any overtures of peace, or was it ſafe to make peace with them while they were in poſſeſſion of the Netherlands and of Holland? As the inquiry could ſerve only to embarraſs the Executive Government, at a time when the moſt free and unembarraſſed exertion was neceſſary, he could not agree to it.

The Duke of BEDFORD ſaid, that if their Lordſhips ſhould negative the motion, they would be viewed by all Europe in a light in which the moſt factious reviler of the Conſtitution would not dare to repreſent them. If there had not been error in the principles upon which the war was gone into, there muſt have been want of ability in the mode of conducting it. It was the duty of that Houſe to diſcover the ſource of ſo many miſcarriages, to teach Miniſters to act better if they had been in error, or if they were wilfully perverſe and incapable, to addreſs His Majeſty for their removal. He remarked on the conduct of our allies, and the conduct of Miniſters towards neutral powers. They claimed great merit for the manner in which they had negociated with America, although all they ſeemed entitled to was, that having found the attempt to bully America to be fruitleſs, they had not been quite ſo abſurd as to perſevere in it. If we had been as ſucceſsful in the Mediterranean, if we had deſtroyed the naval force of the enemy to ſuch a degree as they repreſented, whence aroſe the unprecedented high price of inſurance? If we had taken the French colonies in the Weſt Indies, why were we not able to keep them? On all theſe points, or on the neglect of the troops with reſpect to medical aſſiſtance, all ſurely very fit objects for their Lordſhips' enquiry, the noble Secretary of State anſwered nothing. He attempted only to prove, that if things with us were bad, things with the French were worſe. It had been admitted, however, that France was beginning to correct her errors. Would to God England would do ſo too. When the noble Secretary ſaid that his noble friend who had made the motion had adduced but one new argument, that every other topic of his ſpeech had been diſcuſſed over and over again, he expected that the noble Secretary would have paſſed by the matter ſo repeatedly diſcuſſed, and anſwered very fully that which was new.—How much was he diſappointed to hear the noble Secretary paſs by that which he admitted to be new, without any anſwer whatever, and dwell at great length on what he ſtated to be old! Even the friends of Miniſters ought to vote for the in-

quiry, as the fureft and moft dignified means of wiping away the ftains upon their character, the imputations upon their conduct, if they were unfounded, and giving confidence to the public in their future operations. If there were difcontents at home; if there were fuch feeds of difaffection as had been made the pretext for fufpending one of the moft effential guards of the liberty of the fubject, an honeft inquiry into the caufe of our difafters was the moft effectual means of crufhing them. Let their Lordfhips prove that they were alive to the interefts and the feelings of the people, and they would exert a much ftronger engine for fecuring internal peace than axes or fcaffolds. He was going to turn to the reverfe of the picture, but till the fatal hour arrived he wifhed to draw a veil over it; he wifhed not even to fuppofe that their Lordfhips through partiality to any fet of Minifters, would fhrink from their duty. It was impoffible for them in juftice, in equity, or in prudence, to reject the motion of his noble friend.

Lord HAY (Earl of Kinnoul) expreffed his confidence in the purity of the motives that induced the noble Lord to make the motion, although he could not approve of it. Nothing he had heard from any of the noble Lords who fpoke in favour of the motion had fatisfied him that the advantages refulting from fuch an inquiry would counterbalance the evils that it would neceffarily produce.

The Duke of GRAFTON faid, that the fair conclufion from the different points of view in which their Lordfhips faw the fame things, was, that they ought to go into the inquiry, and inveftigate who was right, and who was wrong. Under fuch circumftances there was no inftance of refufing an inquiry. It was the particular, nay the fpecial duty of that Houfe to be ever watchfully attentive, that in the Executive Government there was neither delinquency nor want of ability. If, on the other hand, in times of difafter and calamity, they were to fit fupine, they would betray their truft. It was not difficult, although painful, to prove that the ftate of the country was at prefent fuch as to call upon their Lordfhips for the moft rigorous exercife of their inquifitorial duty. What would be the opinion of the Public if they fhould depart from the practice of their anceftors? He ferioufly exhorted the noble Secretary of State to confider well the confequences. If he was determined to oppofe all inquiry, let him move an adjournment, if it were but for one day, that they might fearch their journals for precedents, and be able, if poffible, to fhew that they were not acting in exprefs contradiction to ancient ufage.

Lord SYDNEY faid, that thofe who fupported the motion, ought, on their own principles, to have made, at an earlier period, a

motion, the effect of which if carried, would be to suspend the business of the Executive Government just before the opening of a campaign, in which not only all Europe but all mankind was interested. He wished earnestly for peace, but he must oppose the motion, as tending to weaken us in continuing the war, and not to strengthen us in negociation. Peace depended upon the French, and might be restored to Europe, whenever they thought fit to offer it upon safe and reasonable terms. In the military hospitals, at the commencement of the war, there had been scandalous abuses, but care had been since taken to remove them. He felt no apprehension in opposing a motion, which he was persuaded no man upon earth thought fit to be adopted.

The Earl of MANSFIELD said there was only one new topic adduced as an argument in favour of the motion, a topic which he heard mentioned with regret; and although the noble Secretary of State had been reproached for passing it by unanswered, he must not only commend his discretion, but follow his example. The very statement of that topic was, that the people of Ireland would judge of it for themselves; to what end then would their Lordships discuss a topic, of which others were to judge? He admitted it to be the duty of the House to watch the conduct of the Executive Government; but in exercising that duty, their Lordships were to be guided, not by precedent, but by discretion. The sole question for consideration was, would going into a Committee of Enquiry contribute to the great end, to which the House was already pledged? Their Lordships had declared a vigorous prosecution of the war to be necessary, and was it befitting their wisdom now to adopt a measure which would not only impede the vigorous prosecution of the war, but counteract negociation, if negociation were practicable, which he was sure it was not. The noble Lord who made the motion, in stating the two modes of conducting the war, one or other of which Ministers ought to have adopted, forgot that the war was defensive. The rule to be observed, with respect to States calling themselves neutral, was, that they were not to suffer the one of the belligerent powers to do that which they would not suffer the other to do. If a State professing neutrality were to allow one of the belligerent powers to march troops through its territory, the opposite party would have a right to do the same, otherwise the neutrality would not be real but fictitious. His Lordship went over the grounds alledged in defence of the principles upon which the war had been undertaken and conducted. He gave great credit to Lord Grenville's calculations on the French finances, and observed that Swift, in one of his pamphlets, written against a most honourable war, had said

that feven millions was a fum of which a Scotchman who had not travelled could form no idea. He was a Scotchman, and had travelled, and yet he found fome difficulty in forming an idea of a lottery of 160,000,000, or of a monthly deficit of 18,000,000. But, for the fake of argument, he would admit what he had never believed, and he apprehended never fhould believe; he would fuppofe that the finances of France were flourifhing, that the diftreffes of war were not felt by the people, and that the *vivida vis* of their Republican principles furmounted every difficulty; all this would be only additional reafon for increafed vigour and exertion on our part. He would prefer a direct motion for the removal of his Majefty's prefent Minifters to this indirect mode of aiming at the fame object. The removal from office of this or that fet of men might be of little confequence to a country, but there was infinite mifchief in a change of fyftem, and miferable would be the condition of thefe kingdoms if the conduct of affairs were committed to thofe who faw no hope of fafety but in an immediate peace.

The Earl of LAUDERDALE faid he was not more furprifed at the oppofition given to the motion, than at the mode of oppofing it. When no precedent for refufing fuch an inquiry could be found, when the times were fuch as to call for inquiry more imperioufly than at any former period, he did not believe that Minifters would have dared to meet it with a direct negative. The moft he expected them to do, was to get rid of it by a motion to adjourn. Their mode of arguing was no lefs extraordinary. They talked of their fucceffes, when every man who recollected the conquefts France had made, muft treat fuch vapouring with derifion. Would they not be happy to bring back the French within their former limits, at the price of all their boafted fucceffes? Did they even imagine that France would confent to relinquifh her conquefts on condition of having every thing reftored to her fhe had loft? Sir Gilbert Elliot faid, that our allies were the human race; the Secretary of State faid that our wealth was the wealth of the world; and thus, according to them, with allies innumerable, and wealth inexhauftible, we were fuccefsfully fighting for the exiftence of fociety! On the naval fuccefs of Lord Howe every man muft reflect with gratitude and exultation. But how had that glorious victory been improved? What the fkill and valour of our navy had put into our hands, the unaccountable mifmanagement of Minifters contrived to throw away. Minifters knew that the French gave a very different account of that victory from ours.—They faid that although the accidental circumftances of weather had enabled us to take poffeffion of fome of their crippled fhips, and bring them into port, yet that our fleet had re-

ceived ſuch damage in the action, as to require much time before it could again be fit for ſea. Was our fleet equipped with ſuch diſpatch as to contradict this aſſertion of theirs? Was it not unaccountably detained in port, while French ſquadrons were preying upon our trade in every quarter? So deficient were Miniſters in foreſight, that in November, or December, an order was given for cutting down ſixty-four gun ſhips to frigates; and in February, another order for converting Indiamen into ſixty-fours. They could not even imagine the poſſibility of Holland's being ſoon in the poſſeſſion of the French, or recollect that in ſuch an event, ſixty-fours would be the fitteſt ſhips to oppoſe to the Dutch navy, on the Dutch coaſt. The preſent and a late Firſt Lord of the Admiralty might compare notes upon the ſubject, for there did not yet appear to be much difference in their modes of conducting the navy. His Lordſhip went over the conduct of Miniſters towards neutral States, and our ſituation with reſpect to allies, in all of which he contended there was ample ground for inquiry. He dwelt particularly on the ſtate into which Ireland had been thrown; which, whether owing to the raſhneſs of one Member of His Majeſty's Cabinet, the duplicity of ſome of the Miniſters, or the treachery of others, called equally for examination. Promiſes have been made to the people of Ireland, and meaſures brought into the Iriſh Parliament, without any hint of diſapprobation on the part of the Britiſh Cabinet. Under the deluſion that theſe meaſures were to be carried into effect, the people of Ireland were ſwindled out of their money, as completely as any man of whom money was obtained under falſe pretences, could be ſaid to be ſwindled. Were Miniſters aware of the diſpoſition of the people in Ireland? Laſt ſummer the mail-coach was robbed in the South of Ireland; every letter was put into the neighbouring poſt-offices unopened; nothing but the newſpapers was kept, and the people aſſembled in crouds to hear theſe papers read to them. Their Lordſhips might judge of the eagerneſs for information, when a capital felony was committed to obtain it. A diſpoſition, which, cheriſhed and conciliated, the people might be turned to the moſt beneficial ends, but which nothing could be more dangerous than to thwart and irritate. He concluded by recommending in the moſt earneſt terms, to diſarm of their own arguments, by the conduct of that Houſe, thoſe who wiſhed to ſubſtitute their own theories for the genuine principles of the Conſtitution.

Earl SPENCER ſaid, that the noble Lords on the other ſide had ſeemed to expreſs an indifference, whether the circumſtances, which they brought forward as a ground of attack againſt Miniſters, were true or falſe.—A packet boat might have been loſt or might have

been captured, he could only say that the Admiralty had received no intelligence of any such event having taken place, and no intelligence, he presumed, had been received by the noble Marquis. As to the circumstance of letters not having been received from Hamburgh for such a length of time, that could not easily be ascribed as matter of blame to the Admiralty. He objected to the inquiry that had been proposed, as leading to discussions that would be exceedingly detrimental to the public interest, but at the same time, whenever the particular business of Ireland should be brought forward, he had no doubt that he should be able completely to vindicate the share which he had in that transaction.

The Marquis of LANSDOWNE stated, that he was anxious that every information which he laid before that House, should be strictly correct. No communication had been received from Hamburgh for 77 days past, (the usual passage being only about 8 days,) a circumstance which had occasioned extreme embarrassment in that City, and been attended with considerable detriment to the trading and manufacturing interests. The noble Lord might treat this as a circumstance of little importance; but when it was recollected that Hamburgh was the only place by which we could carry on our communication with the Continent, it might perhaps appear in a different point of view.

The Earl of LAUDERDALE said, that he always wished to ground any argument which he submitted to their Lordships, on the best information which he could possibly procure. It had however been the system of Ministers in both Houses of Parliament, to refuse every species of information which was required to be laid on the table, even though the particular statement of facts might perhaps reach the public through a different channel. For instance, were he to move for an account of the internal state of the defence of the country, it would be reprobated as a most indiscreet and profligate motion; yet it was not impossible that such an account might, in consequence of the indiscretion of a Secretary of State, the vanity of a Bishop, and the folly of a Mayor, be brought forward to the public eye, through the medium of a Newcastle paper. As to the general grounds of objection to the motion, that it would be detrimental at present to the country, he must observe, that if there were really that energy and power in the country which had been stated, nothing could be more politic than to go into the Committee; because if communicated to the Public and the enemy, it would give satisfaction to the former, and afford nothing but despair to the latter. He, however, was convinced, that the reluctance manifested by Administration to comply with the motion, proceeded from a sense of

weakness. It had been conjectured that the late transaction in Ireland had been the sole cause of the motion; he had facts to state against this supposition: perhaps if his facts and their conjecture were put to the sense of the House, they would be supplied with an argument, which indeed was the only one which had been used during the session on the opposite side, (here we believe the noble Lord alluded to the argument from the decision of a majority). He could pledge himself to the truth of the fact that this motion had been intended long before the dangerous aspect of Irish affairs had been known. The ingenuity of Ministers had been so fertile in piling up calamities on the country, that it would be impossible to select any single month in which there was not some event which might supply them with a similar argument. It had been certainly the study of himself and his friends to bring these matters before the Public, but with the caution of not giving unnecessary fatigue to their Lordships, nor exciting any unnecessary alarm in the country, but with the express view of giving the Public a just estimation of the miserable state to which the folly, ignorance, and profligacy of Ministers had reduced them.

The Bishop of DURHAM felt himself particularly called on, by the pointed allusions to himself, to say a few words to the House. The letter which had been noticed by the noble Lord, in his opinion was calculated to quiet the alarms and apprehensions entertained by the people at a period when France had gained possession of Holland, and that part of the people to whom it was addressed, began to be apprehensive for their own safety. As to the indiscretion attributed to the Secretary of State, he believed there was no imprudence at all in the transaction, for the letter might have been published at Charing Cross, without any secrets of Government improper to be known being discovered. As to the vanity attributed to himself, he could assure their Lordships that he felt that he only did his duty; and of one thing he was sure, that he did not show so much vanity as the noble Lord, who, after a speech of upwards of two hours, had engrossed near half an hour of their time in explanation.

Lord LAUDERDALE said, he felt himself under the necessity, after what had fallen from the right Rev. Prelate, to exhibit more of the same vanity in saying a few more words to them. One thing, he had the vanity to say, could not be contradicted, viz. That he had stated nothing but the truth. Lord Lauderdale here read the letter which had been alluded to, accompanying it with a comment on the contents. The passage which he considered as so highly in-

indiscreet was that which stated, that there was a depot of 3,000 stand of arms at Berwick.—

The Duke of NORFOLK said, that it was not his intention at that late hour to trespass long upon their Lordships' time. There were, however, circumstances at the present critical period that made it his duty to support the inquiry proposed, and to say a few words on the motion now before them. When he considered that a person of rank had been sent to another country, and that person a man of the highest rank and fortune in both countries, and who was not more conspicuous from his rank and fortune, than distinguished for his public and private virtues; when he saw such a person sent to Ireland, and beginning his administration in such a manner as to conciliate the affections, and promote the happiness and interests of the two countries, and almost immediately, within six weeks, saw that person recalled, he certainly thought that something must be wrong, that there was strong ground for inquiry, and that it ought to be known who was to blame. The emancipation of the Roman Catholics in Ireland to the full extent, brought forward by Mr. Grattan, he considered to be a measure that ought to have been, and still must be, insisted upon and completed. Every man who wished to preserve a good understanding between the two countries, every body that valued the Constitution of England, the Constitution and the established religion of Ireland, as well as the general voice of the people of that country, must be of the same opinion. He was much surprised to have heard the noble Secretary of State boast of the successes of the present war, and so fond of contrasting the state of this country with that of France. With regard to the glorious victory of the 1st of June he was sure every lover of his country must glory in the gallant conduct of the noble Commander, officers and sailors, who were engaged in the triumph of that day. But the conduct of the Admiralty, he thought, had been such as demanded inquiry even from the event of that day. In former wars, if the fleet of England was not equal in strength and numbers to the combined fleets of the House of Bourbon, it would have been reckoned criminal misconduct on the part of the Admiralty Board, and a fit subject of inquiry and censure. In this case we had to oppose superior numbers, and, as the engagement of that day had shewn, at considerable risk; whereas, had our number of ships been what it ought, we might have avoided a battle which, glorious as it was to the naval character of Britain, was dearly bought by the blood it cost us; and had we been able to do this by keeping the French in their own port, we might likewise have intercepted that important convoy, so necessary, he might say, to the very existence

of the French Republic. In ſhort, when he thought on the conduct of the Admiralty at that time, he muſt ſay, that if he had been at the head of that Board, he would have been the firſt to call for inquiry. There were many other topics that in his mind made the motion particularly called for at this time, but it was too late to go into them at length now, he would therefore conclude by reminding their Lordſhips that this perhaps would be the laſt opportunity which might be in their power of going into ſuch a Committee, as the noble Earl propoſed, at this critical period; and as a meaſure in his opinion abſolutely neceſſary, he ſhould certainly vote for it.

The queſtion was then put, and the Houſe divided;

For the queſtion,	Not Contents,	83	
	Proxies,	21	
			104.
	Contents,	13	
	Proxies,	1	
			14
Majority againſt the motion,			90

Tueſday, 31ſt March.

The Houſe being reſolved into a Committee at half paſt three, and Lord Walſingham in the chair,

Lord THURLOW roſe to ſtate to their Lordſhips the effect of the evidence, as it ſtruck him, which the Commons had given on the article entitled Contracts and Allowances. Your Lordſhips will obſerve (ſaid Lord Thurlow) that theſe charges cloſe the impeachment, no evidence having been offered on the remaining articles. I hope therefore that I ſhall not be under the neceſſity of going into any great length upon the preſent occaſion. Your Lordſhips will recollect, that in the preamble to the impeachment, Mr. Haſtings is deſcribed as "having entertained baſe and corrupt views of procuring for himſelf and his dependents exorbitant wealth, and arbitrary deſigns of raiſing himſelf by means of the undue influence ſo acquired, to exceſſive power, as well to gratify his inordinate ambition as to ſecure himſelf from puniſhment for the many unjuſtifiable acts by him done and committed."

Your Lordſhips at one time have heard the gentlemen who held the contracts and agencies repreſented as the dependents of Mr. Haſtings, and at another as perſons poſſeſſing ſuch powerful connexions in England, that in providing for them, he looked to his own future ſecurity.

The Defendant is accuſed in the article now before your Lord-

ships of a wanton waste of the public money in five instances only, during a government of thirteen years.

The first, is the opium contract, granted to Mr. Sulivan in 1781.

The second, the bullock contract, granted to Mr. Croftes in 1779.

The third, the extra allowances to Sir Eyre Coote.

The fourth, Mr. Auriol's agency for supplying Fort St. George with provisions.

And the fifth and the last, Mr. Belli's agency, for laying in extra provisions, for the use of the garrison of Fort William in the event of a siege.

The first charge recites, that having granted the opium contract to Mr. John Mackenzie, without advertising for proposals, Mr. Hastings did, in the year 1781, grant the same contract to Mr. Sulivan, on terms glaringly extravagant, and wantonly profuse, for the purpose of raising an instant fortune for Mr. Sulivan, the son of Lawrence Sulivan, Esq. who was then, or about that time, chairman of the East-India Company: That Sulivan never did execute the contract; but sold it to a Mr. Benn, for thirty five thousand pounds, who sold it to Mr. Young for fourteen thousand nine hundred pounds a year.

This is the first, and indeed the only material article in this charge.

It appears by the evidence, that from a very early period, the article of opium was a monopoly, in the hands of individuals; and from the year 1761 to 1773, the Chief and Council of Patna held it, for their private emolument.

Mr. Hastings, who was at Patna in the month of October 1773, after his conference with Sujah Dowlah at Benares, turned his attention to this subject, and was the first person who entertained the idea of converting this monopoly to the public service. In consequence of his letter to the Board in Calcutta, it was determined, in December 1773, to grant the exclusive monopoly to a man of the name of Mheer Muneer, the agent of the Patna Council, who was to furnish all the opium that the Bahar province produced, at three hundred and twenty sicca rupees the chest, and to deliver it at Calcutta free of all charges. Supposing the average price of opium at the Company's sales to be 550 rupees the chest, this gave the Company a very large profit, and it did not immediately deprive the Council at Patna of an emolument of office which had existed for so many years, and of which they were not dispossessed by any order from the Court of Directors.

In the spring of 1775, the Supreme Council deliberated upon the mode of managing the opium monopoly in future. This was but a few months after the arrival of General Clavering, Colonel Monson, and Mr. Francis, who felt those honest prejudices very strongly, which the word monopoly so naturally and justly excites in the breasts of Englishmen. But after the fullest consideration, they conceived with Mr. Hastings, that, for some time at least, opium must be a monopoly, and consequently it was right that the Public should enjoy the benefit of it. They wrote to the Chief and Council of Patna, requiring their sentiments as to the best mode of collecting the opium revenue in future. Your Lordships will find the answer in page 2220 of the evidence, and it is exceedingly important. The Patna Board assign unanswerable reasons why the monopoly ought to be continued. They state the price paid for opium lands to the farmer, the price of opium per maund in its first state, the expence of manufacturing it, and they say, that by the time it is manufactured into cakes, it costs the contractor from 90 to 110 rupees a maund, that is, from 180 to 220 rupees a chest. They say, therefore, that if it were contracted for by the Company at 230 or 240 rupees a chest, it would yield an immense profit to the Company, and they think, with the laws fully enforced against smugglers of opium, three thousand three hundred chests might annually be procured.

They tell the Governor General and Council that these observations are the result of the strictest inquiries, and that they have no view to their own private advantage in advising them to contract for the purchase of opium at 230 or 240 rupees the chest.

After the receipt of this letter, Mr. Hastings proposed that the whole produce of opium should be manufactured for the Company's use; that strict measures should be used to prevent smuggling; that the Chief and Council of Patna, or an individual, if the Board preferred the latter, should provide all the opium by agency, and be allowed a certain commission, on the sum ultimately netted by the Company, from the sale of the opium in Calcutta. My Lords, this proposition is well worthy your attention. Your Lordships will find it in page 2221; you will see the reasons assigned by Mr. Hastings for preferring an agency to a contract; and by carrying his principle to another branch of revenue, I mean the salt, in the year 1780, he created a revenue where none existed before, and which amounts now, to above nine hundred thousand pounds a year.

The majority determined, however, that the opium should not be provided by agency but by contract, and an advertisement was

accordingly iſſued, inviting all perſons to offer propoſals. There were thirteen different offers, and the loweſt were accepted—a Mr. Griffith for the Bahar opium, and a Mr. Wilton for the opium, all of which is of an inferior quality, produced in Bengal. The reaſoning of the different members of the Board, clearly ſhews that they conceived they had really fixed the contract upon the faireſt terms, leaving a very conſiderable profit to the Company, and a very moderate one only to the contractor. Mr. Francis, in deſcribing the peculiar nature of this contract, and the power which the contractor was neceſſarily inveſted with, ſays, he thinks it unadviſeable to engage on very low terms with any contractor. I beg your Lordſhips will give this remark the conſideration it deſerves, for I am convinced that every Member entertained the ſame ſentiments, and it never did occur to any one of them, that the general orders of the Company for making contracts annual, and granting them to the loweſt bidder, could apply to this branch of public revenue.

Before the expiration of the year, for which period the contracts were granted to Mr. Griffith and Mr. Wilton, the Governor General and Council, on their application, continued the contract to them for another year. Here, my Lords, was the firſt diſobedience of orders, and here the charge, on the principles in which it is drawn, *ought to have commenced*—but the Managers and the Directors have paſſed ſilently over *this inſtance* of diſobedience.

In the ſpring of the year 1777, Mr. Mackenzie, a gentleman who was but juſt arrived in Bengal, applied to the Governor General and Council, and offered to take the opium contract for three years on the terms that Mr. Griffith and Mr. Wilton had held it, with this difference, that he engaged to pay the Company ten thouſand ſicca rupees a year, as a condition for any advances of caſh that he might want, in order to fulfil his contract within the year. The Board inſtantly agreed to accept Mr. Mackenzie's propoſals. It neither occurred to General Clavering, nor to any other Member, that this contract ought to be expoſed again to the competition of the adventurers abounding in Bengal. If it were very unadviſeable, as Mr. Francis ſtates, to contract on very low terms in 1775, it was equally ſo in 1777; and the Board then conceived that the fair price was fixed.

Though General Clavering propoſed to inſert a clauſe in the contract of Mackenzie, that it ſhould determine, pravided the Court of Directors thought proper to aboliſh the monopoly altogether, he made no ſort of objection to the terms of the contract, nor to the period of three years for which it was granted. Yet Gene-

ral Clavering, of whose merits as a soldier, and of whose unsullied honour as a gentleman I have the highest opinion, was at all times, as your Lordships well know, a strenuous advocate for a literal obedience of the Company's orders, as to the mode of making contracts.

Before Mr. Mackenzie's contract expired, a letter was received from the Court of Directors, dated the 23d December 1778, to which I beg leave to refer your Lordships: It is in page 1305 of the Evidence, and it really appears to me, that they took up the subject, which it appears from their letter they did not understand, more with a view of finding fault, whether with or without cause, than from any other motive. They tell the Governor General and Council, that after the experience of two years in providing opium by contract, they should have ascertained whether the price thitherto paid was reasonable, by advertising for other proposals, or have made previous inquiry; but, as it appears to them they did neither, they must disapprove of their conduct on that occasion.

It is absolutely impossible, my Lords, that the Directors could have written such a paragraph if they had read, or having read, if they had considered, the steps taken by the Government of Bengal on this subject. It never occurred to the Directors to make the opium monopoly a branch of the public revenue. They were solely indebted for it to the care and attention of Mr. Hastings. The mode proposed by Mr. Hastings in 1775, would have enabled the Board to know exactly the value of opium. He proposed to conduct the business by agency, and that agency to be placed in the hands of a man of honour. The Company, if his idea had been adopted, would have known the full value of the opium monopoly, as well as under a similar system adopted by Mr. Hastings, they now know the value of the salt monopoly. The majority preferred the mode of conducting the business by contract, and Mr. Griffith got it as the lowest bidder—one hundred and eighty rupees the chest, with some small additions. Your Lordships will see that this was considerably below the price which the Patna Council supposed it would actually cost the contractor. The Board were at least justified from their information in believing, that they had made as good a bargain for the Company as ought to have been made, consistently with Mr. Francis's principle, which seems to have been the principle of every Member. The letter of the Directors on which the Managers laid so much stress, goes upon false grounds, upon an idea that no previous inquiries had been made, when in truth every pains had been taken to acquire an accurate knowledge of the subject, prior to the grant of the first contract to Mr. Griffith.

Under all the circumſtances therefore, I think that the Governor General and Council were clearly right in granting the contract to Mackenzie in 1777, without advertiſing for freſh propoſals. But, my Lords, it is neceſſary to remind you of one very material piece of evidence which the Managers omitted to bring forward. The letter from the Directors arrived in Bengal at the cloſe of 1779, condemning Mackenzie's contract. In April 1780, Mr. Mackenzie applied to the Board for a renewal of his contract for another year, and his requeſt was inſtantly granted. The Members of the Board at that time were Mr. Haſtings, Mr. Francis, and Mr. Wheler, the two laſt gentlemen forming the majority. The Commons, by ſome ſtrange accident, have paſſed over this inſtance of diſobedience of orders; if it had been noticed, Mr. Francis undoubtedly would have ſaid, that the Directors had condemned Mackenzie's contract only under the idea that previous inquiries had not been made; whereas, in point of fact, the ſubject had been fully inveſtigated, and conſequently the condemnation being founded on a miſapprehenſion of the Directors, had not influenced him in 1780, when he conſented to renew the contract to Mackenzie. I ſay, my Lords, it was by a very unfortunate accident that the Commons forgot altogether to notice this ſecond contract of Mr. Mackenzie, becauſe it deprived Mr. Haſtings of the able aſſiſtance which Mr. Francis could have given in defence of the meaſure.

I now come to the only contract which *is* charged to be criminal, and your Lordſhips will judge whether in any one point it differs from thoſe contracts which are *not* charged to be ſo.

In the month of May 1781, Mr. Haſtings propoſed that the opium contract ſhould be granted to Mr. Sulivan for four years, on the ſame terms that Mr. Mackenzie had held it. The terms of the two contracts being the ſame, the period for which they were held being the ſame, I am utterly at a loſs to know on what grounds Mr. Haſtings is charged with granting the latter contract on terms "glaringly extravagant and wantonly profuſe." Mr. Griffith and Mr. Wilton held the contract for two years, not as matter of favour the firſt year, but becauſe they were the loweſt of thirteen bidders. The ſecond year they held it by an act of the Supreme Council in the ſame manner that Mr. Mackenzie and Mr. Sulivan afterwards held it. The charge indeed ſtates that it was granted to Mr. Sulivan for the purpoſe of creating an inſtant fortune for him; but there is no proof that this was the caſe; on the contrary, it is fully eſtabliſhed both by the poſitive denial of Mr. Haſtings, and by the evidence of Mr. Benn, that of the tranſaction which the managers

have proved, Mr. Haſtings was utterly ignorant. It appears that Mr. Sulivan ſold this contract to Mr. Benn for thirty-five thouſand pounds, and that Mr. Benn reſold it to Mr. Young for fourteen thouſand nine hundred pounds a year, which gave Mr. Sulivan and Mr. Benn between them, a profit of fourteen thouſand nine hundred pounds a year, for four years. Unleſs the managers could have proved that Mr. Haſtings was privy to this bargain and ſale, there is not a ſhadow of difference between the contracts of Mackenzie and Sulivan. The ſimple queſtion, therefore, will be this: After the Directors had expreſſed their diſapprobation of the firſt contract granted to Mr. Mackenzie, becauſe it had not been advertiſed, nor, as it appeared to them, had any previous inquiries been made to aſcertain the fair price, was it criminal in Mr. Haſtings to grant the contract to Sulivan for four years? I think clearly not; becauſe, after the receipt of the Directors' letter, the Supreme Council gave the contract to Mackenzie for a fourth year, and becauſe, as I have already ſtated to your Lordſhips, the Directors were manifeſtly in an error, when they ſuppoſed that no previous inquiries had been made to fix the fair value of the contract. That the Governer General and Council were deceived, is perfectly true; but the error was general. Your Lordſhips will recollect the letter of the Patna Board, whoſe members poſitively affirm, that opium could not be made, but from one hundred and eighty to two hundred and twenty rupees a cheſt, the average price being two hundred rupees. You have had a gentleman at your bar, Mr. Law, who was many years a member of the Patna Council; he has told you that when it was a monopoly for the advantage of the Patna Council, they gave two hundred rupees a cheſt for it, which agrees with the information of the Patna Council; ſo that, with all the advantage of local knowledge, and with all the influence attached to ſtation and power, they gave more for their opium than the Company did under the contracts of Griffith, Mackenzie, and Sulivan. I have reaſon to believe that the real ſecret of the profit upon opium was this, that the contractor bought his opium from the ryots by one weight, and ſold it to the Company by another.

In truth, my Lords, there is no difference whatſoever between the contracts of Mackenzie and Sulivan; both were granted, as I ſaid before, for the ſame period of time and on the ſame terms. The charge alledges, that Sulivan poſſeſſed neither knowledge nor local ſkill in that particular manufacture—His knowledge muſt at leaſt have been equal to Mr. Mackenzie's, who was but juſt arrived in the country when he got the contract: But it is ſaid alſo in the charge, that Mr. Sulivan never did execute the contract. The

fame may be faid of Mr. Mackenzie—Both of them were contractors, and both equally refponfible to the Company. Mr. Mackenzie managed the contract through a Mr. Campbell at Patna—Mr. Sulivan through Mr. Young. Suppofe it had been proved, which it is very likely was the cafe, that Mr. Campbell paid a fpecific fum of money annually to Mr. Mackenzie for this contract; would that circumftance reflect difhonour on the memory of Sir John Clavering, who joined in that unanimous vote by which Mackenzie obtained the contract in 1777? or, would it be a reflection on Mr. Francis, who renewed the fame contract to him in 1780? Affuredly not, my Lords. In the cafe of Mr. Sulivan, the managers have not advanced one ftep by proving that Sulivan fold the contract to Benn, and that Benn refold it to Young. Unlefs they had proved the privity of Mr. Haftings to thefe tranfactions, the other circumftances go for nothing.

There are other allegations in the charge neceffary to notice to your Lordfhips. Mr. Haftings is accufed of deftroying certain checks fixed by the former contracts, and to have done fo in order to make this contract more faleable: One is, that he omitted to infert in Sulivan's contract a material claufe in Mackenzie's, that the contract fhould be void, if difapproved by the Directors. Mr. Lords, if this were a true defcription of the claufe in Mackenzie's contract, the allegation would indeed be well founded; but the claufe in Mackenzie's contract was of a very different defcription from that ftated in the charge. The contract was to be void, provided the Directors ordered the monopoly to be abolifhed; and in 1777 it was referred to them to determine whether the monopoly fhould be continued or not, the Board giving it as their opinion that it muft continue. In their letter of the 23d December 1778, the Directors acquiefce in the continuance of the monopoly; confequently the claufe fpecifying that the contract was to be void in the event of their abolifhing the monopoly became nugatory.

The next inftance of favour to Sulivan is ftated to confift in the abolition of the office of infpector at Patna. My Lords, this was done in Mackenzie's time, when it was found to be an ufelefs and troublefome office there—but it was eftablifhed in Calcutta, infinitely more to the advantage of the Company, though with additional refponfibility to the contractor. This was a fenfible change; and the mode adopted in 1780 for infpecting the opium, is continued to this day.

Another allegation in the article is, that for the purpofe of advancing money to the contractor, and in order to favour certain individuals, a loan was made in Bengal in the year 1781, and the

Company were engaged in a ſmuggling adventure to China, on the pretence that there was little demand for opium in Calcutta, though in point of fact there were perſons in Calcutta who had authority to bid for the whole, or the greateſt part of the opium.

As the managers did not attempt to ſupport the laſt aſſertion by any proof, I conclude they found out the blunder of the agent who drew the article, before they came into your Lordſhips court. Why the Commons ſhould have charged that the loan which they ſtate was made to favour certain individuals, or to advance money to the contractor, is, I do aſſure you, my Lords, far beyond my comprehenſion. The tranſaction itſelf is perfectly ſimple, and, as I ſhould think, impoſſible either to be miſrepreſented or miſunderſtood.

In the year 1781, the produce of one year's opium was lying uns[illegible] in the Company's warehouſes in Calcutta, and owing to very obvious cauſes. The tonnage of the port of Calcutta was principally employed in tranſporting proviſions to Madras, and private merchants were afraid to export opium on their own account to China, and the eaſtern iſlands; the Indian ocean being at that time infeſted by French and Dutch cruizers.

Under ſuch circumſtances it was propoſed to freight two ſhips with opium on the Company's account; one to Canton, and another to the eaſtern iſlands. The proceeds of theſe cargoes were to be paid into the Company's treaſury at Canton, for the purpoſe of purchaſing teas for the ſales at the India Houſe. Upon the credit, therefore, of this ſupply, the Bengal government conceived they might with propriety draw bills upon the Company, firſt for ten lacks, and afterwards for a ſecond ſum to the ſame amount. Accordingly a proclamation was iſſued, adviſing the civil and military ſervants of the Company generally, that the treaſury in Calcutta was open for the receipt of money for certificates on Canton, which would there be exchanged for bills upon England; and adviſing all who choſe to remit money, to ſend in their names to the Secretary, at a given period. I was firſt at a loſs to know upon what grounds this plan could have been charged, as undertaken with a view to favour certain individuals; but upon referring to the evidence, I found that the managers have inſerted a letter written by Mr. Haſtings from Chunar, in which he incloſes a liſt of the names of the civil and military ſervants of the Company, who were then at Chunar, and expreſſes a hope that they may not be excluded from the advantage of the remittance to Europe. Perhaps it may not be neceſſary to inform your Lordſhips, that by the regulations of the Company's ſervice, every perſon in their civil and military employ, has a right to his proportion of a remittance to England through the Company's

cash. All, therefore, that Mr. Haſtings did, was to requeſt that the gentlemen then at Chunar might not be deprived of a privilege common to the whole ſervice; and this the managers have ſo miſtaken, or rather their agents have ſo miſtaken it, as to charge the loan itſelf to be made in order to favour certain individuals. The whole ſcheme, in my opinion, was a very wiſe and a very laudable one: It gave the Bengal government the immediate uſe of twenty lacks of rupees, when the want of money was moſt ſeverely felt—it enabled them to export a commodity, for which there was no ſale in Calcutta—it threw a large ſupply of caſh into the treaſury at Canton—and it enabled the Company at home to pay the bills exchanged for the certificates ſent from Bengal to Canton.

The ſhip freighted for Canton arrived ſafe; her cargo was well ſold, though to leſs advantage than it ought to have been—the ſupra-cargoes laying the blame upon the Captain of the Bengal ſhip for not obeying his orders, and he as loudly inſiſting upon it that it was their fault the opium did not ſell at a much higher price. The other ſhip, freighted to the eaſtern iſlands, ſold a part of its cargo at a very high profit indeed; and would have ſold the remainder equally well, if ſhe had not been treacherouſly taken in a neutral port. But, my Lords, this is called a ſmuggling adventure, becauſe opium is forbidden, by a municipal law of China, to be imported into that country, under pain of death. It is proved, however, that this law is obſolete—that opium is publicly landed, and ſold in the middle of the day at the port of Canton: And at this moment the greateſt encouragement is held out in Bengal, for the importation of opium into China, for the purpoſe of enabling the ſupra-cargoes at Canton to purchaſe teas for the London market. The only queſtion then will be, whether it was a high crime in Mr. Haſtings, during the preſſure of the war, to make the Company do that act publicly, which the Directors and the Board of Controul have urged the government of Bengal to endeavour, by every poſſible means, and to every poſſible extent, to get done by individual merchants. It was confeſſedly a temporary expedient in 1781; but it is by no means clear, that it would not have been wiſe in the Company to continue the export of opium on their own account. Colonel Watſon, the chief engineer of Bengal, who originally ſuggeſted the plan, ſays, in page 2251, that under every diſadvantage of a firſt experiment, and of very great miſmanagement, it enabled the ſupra-cargoes at Canton, in the height of the war, to purchaſe ſeveral cargoes of tea, without draining Bengal of one rupee;—that the Company were enabled by it to load all their ſhips with tea; and finally, became very great gainers at the cloſe

of their sales in England. The Colonel adds, that he is aware of all the objections and difficulties then started in Bengal, and also of the animadversions made upon the measure in England; but as they arose out of the private views of interested men, or the dreams of ignorant pretenders, such arguments and observations were no longer worthy the consideration of the Governor General and Council— their futility having been fully evinced.

Mr. Hastings and his Council tell the Directors, that they well knew of the law which prohibited the importation of opium into China, on pain of death, but they also knew that it was a commerce publicly encouraged by the Chinese government: They add, that it was a temporary expedient—when, in fact, opium would not sell in Calcutta upon any terms, that in future, however, they shall dispose of their opium in Calcutta; that in the present year, 1783, the profit would be six lacks of rupees, and would have been double, had there not then been many French cruizers in the bay of Bengal. Your Lordships will see how considerably the profits upon opium were increased, on the restoration of peace in India. I believe, my Lords, I have already gone through every material point in this head of the article: And as the Managers have totally failed in making good the material allegation, that the opium contract was granted to Sulivan for the purpose of creating for him an instant fortune—and as it is clearly established by the evidence, that he held it precisely upon the same terms, and for the same period that Mackenzie had held it—and as the Governor General and Council had every reason to believe, there was nothing left to the contractor beyond a fair and mercantile profit—I shall certainly say *Not-content* to the motion, which I shall submit to your Lordships, on this head of the charge.

Upon the next point, I flatter myself that I shall not have occasion to intrude very long upon your Lordships' indulgence.

The accusation is, that in the year 1779, without any complaint from the contractor, or from the army, that a bullock contract, then existing, was inadequate for the regular supply of the service; Mr. Hastings annulled an existing contract, and concluded another with Mr. Croftes, his confidential friend and agent, on terms infinitely higher than those of the preceding contract, at an additional expence to the Company of fifty thousand pounds a year, or near that sum, and, by so doing, created a wanton and most enormous expence to the Company. Surely, my Lords, the agents who drew this charge, had not taken the least pains to examine the evidence which relates to it. You have upon your minutes, the strongest written complaints from various commanding officers, of the rotten

unserviceable state of the bullocks of the army; and you have full proof also, that the contractor dying in 1778, his executor was desirous of relinquishing so unprofitable a concern altogether—that General Stibbert, the provincial Commander in Chief, urged Mr. Hastings and his Council to accept the offer, and to form a new contract on very different terms.

The managers begin their evidence by inserting the express order of the directors, that the contract should be annual, and granted to the lowest bidder.

If to prove that Mr. Hastings disobeyed this express order, be sufficient for his conviction, the managers have completely succeeded; for the next document they read, was the defence made by Mr. Hastings to this charge in the House of Commons, in which he very fully admits that he did disobey the order—that he has no idea of orders being issued at the distance of half the globe, of the propriety of which the Government upon the spot must not be allowed to judge, before they carry them into execution: He admits also, that by disobeying this order he incurred great responsibility; and was bound to prove, that he consulted their interests, when he disobeyed their commands.

My Lords, Mr. Hastings affirms, that the consequence which attended the disposal of the bullock contract annually to the lowest bidder, was such as you will believe was extremely natural Men offered to take it on terms so low, that, had the contract been really executed, they must have lost 50 per cent. by their agreement. Mr. Hastings appeals to the public records, for proofs of the complaints made by the commanding officers of the army, on this important subject—to the revenue consultations, to shew the distress occasioned to the zemindars and farmers, as well as the diminution of the revenue, from the mischievous custom of pressing bullocks, as often as any division of the army was ordered to change its quarters. To remedy these mischiefs, and to provide effectually for that branch of the service, on the due performance of which the success of every operation of war in India depends. Mr. Hastings consulted with the principal officers of the army, and submitted to Sir Eyre Coote a plan for the future supply of bullocks for the service of the army, which that officer fully approved. The plan prescribed the size, age, and feed of the bullocks to be employed; the work they were to perform; the number, uniform, and pay of the drivers: The calculation was made so as to leave a fair mercantile profit to the contractor; and such checks were established for the due performance of this contract, that the due execution of it appeared to be fully insured. In this measure, my Lords, I know not how the Public can be

well or faithfully served upon any other principles than those laid down by Mr. Hastings, in defence of this contract.

The next evidence adduced by the Managers, is that upon which they have entirely relied; I mean the dissent of Mr. Francis to the terms of this contract. It is a performance of very considerable length, containing many ingenious calculations, which, in theory, may do very well, but happen not to have stood the test of practice.

The opinions of Mr. Francis, as far as I know, are peculiar to himself: And though it be true that the managers have mentioned them as conclusive against Mr. Hastings, there is not one person, who has had an opportunity of acquiring any knowledge upon this subject, that does not totally disagree with Mr. Francis. That gentleman is decidedly of opinion, that the Company's orders should be obeyed—that the bullock contract should be annual, and granted to the lowest bidder: He condemns the rates as extravagant, and the number of bullocks as unnecessary: He thinks that the quantity of drivers, so far from being useful, would be highly detrimental to the service: And he winds up the whole by this very singular declaration, "In truth I may say (with the exception of a very moderate number), what occasion have we for an establishment of bullocks any where? when they are wanted, they may be hired, or pressed, as in fact they have been hitherto, notwithstanding the contracts."

I speak in the presence, my Lords, of some noble persons, who know well what military service is; and to whose exertions their country has been much indebted, upon former occasions; If one of those noble Lords were again to be placed at the head of an army, what would he think of a Cabinet Minister, who was to tell him, that horses for the service of his artillery, his ammunition waggons, and camp equipage, could not be kept but at a most enormous expence, that he must, therefore, retain none in the service, as he could hire or press them when they were wanted. What would the noble Marquis have said to Mr. Cowper, Mr. Stuart, or Mr. Speke, if either of those gentlemen, his colleagues, had told him, when on the point of embarking on that service, which he so gloriously terminated, "Do not, for God's sake, my Lord, put the Company to a most enormous expence for bullocks and drivers; you can hire and press them in Mysore?" The noble Marquis, I believe, would have expressed some surprise at the magnanimity of such sentiments; yet Mr. Francis, *flagrante bello*, when the British army in Bengal occupied a country thirteen hundred miles in length, and five hundred in breadth, and having several detachments employed on foreign service,

does not scruple to affirm that it is unnecessary to keep up an establishment of bullocks, and that they can be hired, or pressed when wanted. My Lords, it did not require the strong evidence adduced by the defendant's counsel to convince men of your Lordships' understandings, that no army in India can be deemed fit for service unless an ample supply of bullocks is attached to it. The artillery and the ammunition waggons are dragged solely by bullocks. The musquet ammunition is also carried by bullocks, and the camp equipage in part, by bullocks also. The honourable manager (Sir James Erskine St. Clair), who summed up this article, a man highly distinguished in arms, and possessing every qualification necessary to form a complete soldier, afforded your Lordships a proof, that without local experience, no man ought to venture to speak of the nature of military service, in a distant quarter of the globe. Had that honourable manager been as conversant in Indian, as I am sure he is in European service, he would not have told your Lordships (and probably on the strength of Mr. Francis's assertion he did it) that if one driver was really entertained for two bullocks, it was an arrangement worse than useless, it was detrimental to the army.

Your Lordships have the fullest evidence to prove that one driver to every pair of bullocks is indispensably necessary, and you are told by the noble Marquis, of the distress which he sustained for the want of a sufficient number of that very useful body of men during his campaigns in Mysore. Colonel Duff, an officer, who had the advantage of thirty years experience in India, who commanded the artillery under the Marquis Cornwallis in the campaigns against Tippoo Sultaun, has decidedly told your Lordships, that the bullocks provided under the contract of Mr. Croftes, came under his particular inspection; that they were beyond all comparison the best that ever were in the service before, or since: That one driver to every pair of bullocks was absolutely necessary, and a head driver to every twelve men exceedingly useful: That the number of bullocks was by no means unnecessary; and that they cannot be fit for service until they have been regularly trained and harnessed. In truth, my Lords, the testimony of Colonel Duff, if unconfirmed by any farther evidence, would have fully convinced me that Mr. Hastings acted wisely and properly in concluding a contract during war, which effectually provided for the strict performance of this most essential part of military service, though the expence had even exceeded fifty thousand pounds a year.

In the year 1779, prior to this contract, Colonel Camac was sent upon service towards the Maratta frontier. He writes to the Board, and says, that his march was impeded by the badness of the

bullocks furnished by the contractor; that he could only get seventy at Burdwan, and that all the good bullocks had been sent out of the way, or hid. Here, my Lords, is a proof that Mr. Francis was mistaken, when he affirmed that bullocks could be pressed when wanted, even if the cruel distress which such a mode of provision must create, with the consequent diminution of the public revenues, were to be no part of the consideration of Government. Colonel Camac adds, that, from the want of bullocks, and the desertion of the drivers, the ammunition was strewed in the roads, and could not have been saved, but by the great exertion of the artillery officer, to whom the Colonel was obliged to give sixty sepoys, to act as bullock-drivers.

Every inconveniency which the service had sustained for so many years, this contract was intended to remedy, and it is in proof that the remedy was effectual. The directors very much approved of all the regulations; but they thought that the contract should have been advertised, though it is most obvious to any man of common sense, that under a contract so advertised, no such reform could have been effected. It appears also in evidence, that during the war, the number contracted for never sufficed for the service, and that extra bullocks were always employed.

My Lords, the next allegation is, that though the directors had condemned this contract in strong and pointed terms, and had ordered, that one year before its expiration, advertisements should be issued for proposals for a new contract upon the lowest terms, Mr. Hastings neglected to give such notice, by which neglect the contractor had a right to hold his contract for six years, and that the relinquishment of this contract was purchased upon terms almost as extravagant as the contract itself; that he then turned the contract into an agency, though the directors condemned agencies, as uncertain and indefinite in their expences, and where influence was likely to prevail over public advantage.

The facts, as applied to this part of the charge, I believe, may be stated very shortly: by a neglect, which ought not to be attributed to Mr. Hastings alone, but to the whole Board, no notice was sent to the contractor, Mr. Ferguson, (to whom Mr. Croftes had very early assigned the contract) that the Board meant to close the concern at the end of the five years. This gentleman therefore, in January 1784, proposed to relinquish his contract on certain conditions, to which the Board agreed. In the course of the correspondence, Mr. Hastings observed what very erroneous opinions had been formed in England of the nature of this contract, and he laid before the Board a letter from Mr. Ferguson, in which he declares,

that the advantages attending this contract, have been most absurdly magnified in England. He offered to produce his books, which he says will prove, and his book-keeper attests the truth of the declaration, that his profits did not exceed 15 per cent., and he adds, that if the Marattas had entered Bengal, as was expected, he must have been ruined. No man will conceive that 15 per cent. in such a concern, and subject to such a risque, is in any respect an unreasonable profit. Mr. Ferguson, who was a merchant of high character in Calcutta, and who arrived in England, I understand, during this trial, died before the defence was entered upon, or he might have confirmed the truth of his letter, by his own testimony at your Lordships' bar.

The managers have given in evidence, a letter written by Mr. Hastings to the directors in August 1785 from Cheltenham, in order, as they state, to prove his inconsistency, because in that letter he most strenuously recommends that bullocks shall in future be provided by agency; all contracts, he says, are improvident, and that the contract concluded on the lowest terms, is always the most extravagant. My Lords, I can perceive nothing like inconsistency in this opinion. On the contrary, I observe, that Mr. Hastings at all times, and upon all occasions, preferred agencies to contracts.

In the business of the opium, it was recommended by Mr. Hastings that it should be procured by agency. The salt was made and sold under an agency, and by that means nearly a million was added by Mr. Hastings, to the annual revenues of Bengal. The marine of Bengal was conducted under an agency, and I shall still have occasion to intrude upon your Lordships indulgence, by stating the two agencies with which this charge concludes. There appear to me to be but two modes of providing for the success and the safety of an army in India, in war: The one by a contract, on such fair and liberal terms as were granted in the case of Mr. Croftes's contract, or by an agency in the hands of men of character and honour. But Mr. Hastings, in the letter alluded to from Cheltenham, and which in all its parts is well worthy your Lordships' attention, was not intruding his sentiments upon the Court of Directors. The fact is, that Sir Archibald Campbell, appointed Governor of Madras in 1785, was desired by the directors, previous to his departure from England, to form military establishments for their several settlements in India. The directors, when they were formed, thought proper to transmit them to Mr. Hastings, then an unimpeached man, and to desire his sentiments upon them; which he gives at considerable length, and earnestly draws the attention of the directors to a material part of the military detail, which Sir Archibald Campbell had

omitted to notice. He says that Sir Eyre Coote was unable to prosecute his success in the late war, because, though he so often beat, he never was able to pursue, Hyder, or to capture his guns, which he often might have done had he had good bullocks for his own artillery. He therefore strenuously recommends that there shall be no more contracts for bullocks, but that they shall be furnished by agency. My Lords, you will perceive that Mr. Hastings alludes to contracts formed on the principle so strenuously contended for by the Court of Directors, namely, annual contracts, granted by public advertisement, to the lowest bidder. For venturing to break through this favourite arrangement in the instance of Croftes's contract, which was in truth rather an agency than a contract, because Mr. Hastings himself and Sir Eyre Coote fixed the terms and the period, and selected the person who was to perform it, he has been impeached by the Commons. The experience of later times has fully justified Mr. Hastings. The noble Marquis, when in Mysore, was obliged to procure all the additional bullocks he could get together, and those he put under the charge of an agent of his own nomination, declaring to the Governor and Council of Madras that "he was sorry to say from experience, that the bullock contract had been a delusion of a most dangerous nature to a Commander in Chief of an army." The Governor and Council of Madras, copying the example of the noble Marquis, put all the additional bullocks that they could procure under a public agent. The government of Bengal gave their sentiments most decidedly to the directors in the absence of Lord Cornwallis, in favour of agencies, though they said it was not their intention to contrast with the enormous evils liable to arise from an adherence to the contract system, the advantages derivable, under certain circumstances, from a well-regulated agency; and the directors themselves, convinced of the great impolicy of their former orders, very candidly admit, both in their letters to Bengal and Madras, that the reasons assigned for deviating from the contract system were very satisfactory. Such, my Lords, is the close of this business; and if it shall appear to your Lordships as it does to me, that Mr. Hastings could not have obeyed the orders of the directors *flagrante bello*, without ruin to the army, you will concur in negativing the motion that I shall have the honour to propose upon this head of the charge.

The next subject is, the extra allowances granted to Sir Eyre Coote in 1779. Mr. Hastings is charged with adopting this measure with a view to increase his own influence; that it was a disobedience of positive orders; that allowances to the amount of eight thousand pounds a year had been granted to General Stibbert, pro-

vincial Commander in Chief before Sir Eyre Coote's arrival; that there was no pretence to continue the allowances to General Stibbert after Sir Eyre Coote's arrival; but that Mr. Haſtings did continue them, and allowed Sir Eyre Coote eighteen thouſand pounds a year.

That in direct violation of the treaty ſubſiſting between the Company and the Nabob Vizier, he directed that when Sir Eyre Coote was in Oude, theſe extra allowances ſhould be carried to the debit of his account.

This, my Lords, is the firſt branch of the charge: The defendant has offered neither defence nor obſervation upon any part of it, but has left it entirely to the judgement of your Lordſhips, on the caſe made by the managers themſelves.

In conſidering this charge, I confeſs there are ſome circumſtances which ſtrike me, as very ſingular. The managers have proved that ſix thouſand pounds a year was the ſalary fixed for the Commander in Chief of all the King's and Company's forces in India. When Sir Eyre Coote arrived in Bengal, he propoſed that the allowances granted to General Stibbert as provincial Commander in Chief ſhould devolve upon him; but on farther inquiry, it was found that they had been ſettled upon him, as the oldeſt Company's officer in Bengal, and that in fact, of the thirteen thouſand pounds a year which General Stibbert received, nine thouſand pounds a year were authoriſed by the directors, and that their ſentiments on the additional allowances granted to him, had not been received, but were daily expected. Sir Eyre Coote therefore propoſed that a field eſtabliſhment might be formed for him and his ſtaff, adequate to his unavoidable additional expences, when abſent from Calcutta, as he ſuppoſed the directors, when they appointed him, did not conceive that he was to expend his private fortune in their ſervice. It appeared perfectly clear from Sir Eyre Coote's minute, that General Clavering had repreſented to the directors, how very inadequate his ſalary muſt be for defraying his extraordinary expences out of Calcutta. It is in my opinion beyond a doubt, that in ſome mode or other General Clavering muſt have drawn extra allowances, had he taken the field; but it ſo happened, that from October 1774, when Sir John Clavering arrived in Calcutta, to Auguſt 1777, when he died, Bengal enjoyed profound peace, and the General never was twenty miles out of Calcutta, and ſaw no part of the large army he commanded, except the corps quartered in or near the preſidency. In the time of Sir Eyre Coote, the caſe was materially different. He arrived in April 1779, during the war with France, and when a Maratta war was hourly expected. He very wiſely and properly determined, in the execution of his duty as Commander in Chief, to viſit the

several military stations; and it could hardly be expected, as Mr. Hastings very justly observed, that he was to perform this expensive service for six thousand pounds a year, when the directors themselves permitted General Stibbert to draw more than that sum a year for the expence of his table.

Mr. Hastings therefore proposed field allowances for Sir Eyre Coote and his staff, amounting to the sum mentioned in the charge; but they were only to be received in the field. When the General returned to Calcutta the allowances were to cease. Mr. Francis and Mr. Wheler opposed this arrangement, as contrary to the directors' positive orders, which precluded them from exercising any discretion of their own. Mr. Hastings contended that it was absolutely impossible the orders could apply to the case before them; that it was a violation of every military principle to restrict the Commander in Chief to half the emoluments granted to the second in command; and the majority agreed to the allowance. The General left Calcutta to review the army in August 1779, when the payment of these allowances commenced. After his departure Mr. Hastings proposed, that as long as the General should remain in Oude, these extra allowances should be paid by the Nabob Vizier. This arrangement Mr. Francis opposed, on the ground assigned since in the charge; that it was a breach of the treaty with the Nabob Vizier, who was only bound to pay, by the terms of the treaty, two lacks and sixty thousand rupees a month for a brigade. To this remark Mr. Hastings very clearly replied, that, subsequent to that treaty, a considerable body of troops in addition to the brigade were stationed in Oude on the Nabob's application, the pay and contingencies of which the Nabob defrayed; and the presence of the Commander in Chief being absolutely necessary in Oude, the question was, whether it would be unreasonable to call upon the Nabob to defray the expence of the extra allowances. The majority concurred with Mr. Hastings, and the Nabob, with the utmost chearfulness, consented to pay the allowances. He did not concur with the managers in deeming that demand a flagrant breach of treaty.

I believe, my Lords, this is the whole evidence to the first branch of the charge. It is next alledged, that the directors ordered these extra allowances to be struck off by a letter, dated the 18th of October 1780, that they were struck off accordingly, but that Mr. Hastings of his own private authority continued to Sir Eyre Coote certain large allowances, amounting to twenty-one thousand six hundred pounds a year, which were paid by the Nabob Vizier.

My Lords, to the latter part of this charge the managers have no sort of evidence except the admission of Mr. Hastings himself.

It appears by that evidence, that as soon as the order from the directors for striking off these extra allowances arrived in Bengal, Mr. Hastings and his council ordered all farther payments to be discontinued. The situation of Sir Eyre Coote, when the directors thought proper to shew so marked a disregard to his services, was critical indeed. Hyder Ally, with a conquering army, was in his front, and that circumstance alone prevented the General from immediately quitting India. The directors were not pleased to take any notice of the extra allowances drawn under the appointment of the Board, by General Stibbert, the provisional Commander in Chief of Bengal; and Sir Eyre Coote, the Commander in Chief of all their forces, on whose zeal and attachment their very existence then depended, was ordered to keep the field upon less than one half of the pay and allowances granted to General Stibbert. After serving two successful campaigns upon the coast, Sir Eyre Coote took the opportunity of the rainy season to return for a few months to Bengal. He arrived in Calcutta in November 1782, and again embarked for Madras in March 1783, carrying with him a large supply of treasure, a reinforcement of troops, and wishing most anxiously to retain life long enough to take Mr. Bussy a second time. That distinguished officer was taken by Sir Eyre Coote at the battle of Vandewash in 1760, and in the year 1783 he commanded three thousand French troops, and a party of Tippoo's forces at Cuddalore. My Lords, this was a point of such infinite moment, that every lesser consideration naturally gave way before it. In this critical situation of public affairs, Mr. Croftes, who was the attorney of Sir Eyre Coote, wrote a letter to Mr. Bristow, of which the latter gentleman sent a copy to the Governor General and Council, after the departure of Mr. Hastings. In that letter Croftes tells Bristow that some field allowances are due to Sir Eyre Coote from the Nabob Vizier, since August 1782; that the Governor had requested Croftes to write to Bristow to receive and remit the arrear, and to receive the payment in future, month by month, as it became due.

To evidence so introduced before the House of Commons, Mr. Hastings, much to his honour, I think, made no objection. I will read to your Lordships his defence to this charge of the Commons:

" By what authority Sir Eyre Coote continued to receive this allowance from the Nabob Vizier, I know not; but I have a faint recollection of Mr. Croftes having mentioned the circumstance to me, in the month of January 1783, and I have no doubt of his having received my authority to write to Mr. Bristow. Sir Eyre Coote was then on the point of returning to Madras, with a consti-

tution worn out in the public ſervice, by exertions almoſt beyond belief. His life was of the utmoſt importance: I had not a doubt of his ſucceſs againſt Mr. Buſſy, could he have arrived in tolerable health upon the coaſt. This was not a time for me to diſpute any point that could add to his chagrin. His expences were conſiderable—He had three ſeparate eſtabliſhments—one at Calcutta; one at Madras; and a third in the field. The allowance, as I underſtood, was voluntarily paid by the Vizier. I could have had no private intereſt of my own to gratify at any period of our connection, more eſpecially at a moment when the whole world knew that Sir Eyre Coote could not live ſix months, having, when he returned to Madras, as he truly ſaid, one foot in the grave, and the other at the edge of it."

Such, my Lords, is the account given by Mr. Haſtings—the account which the managers thought proper to read, and which they have not attempted to diſprove in any one part of it. It is impoſſible, therefore, to impute Mr. Haſtings's conduct to any other than public motives, and zeal for the welfare of his employers: Sir Eyre Coote, as your Lordſhips know, did not live to effect that important ſervice which both himſelf and Mr. Haſtings had ſo much at heart. He embarked in one of the Company's armed ſhips, and was chaſed by three French frigates from Balaſore roads to Fort St. George: The ſhip was preſerved by the ſuperior ſkill of the Engliſh Captain. The anxiety of Sir Eyre Coote would not permit him to leave the deck, night or day, during the chaſe.—The ſtruggle and agitation was too much for his weak and debilitated frame to ſurvive. He preſerved his recollection long enough after the ſhip came to anchor off Fort St. George, to expreſs his warmeſt acknowledgements to the Captain, and to confer upon him a token of his gratitude. He then ſunk ſenſeleſs on the deck, was carried on ſhore in that ſituation, and died on the next day. Neither the nation nor the Eaſt-India Company were inſenſible to his merits and ſervices—The two Houſes of Parliament were unanimous in voting him their thanks for his exertions, and the Company have erected to his memory a monument in Weſtminſter Abbey, and a ſtatue at the India Houſe. It reſts with your Lordſhips to determine whether Mr. Haſtings ought to be condemned for the ſhare which he had in fixing an eſtabliſhment for Sir Eyre Coote, barely adequate to his neceſſary expences in the field.

I ſhall now proceed to conſider the evidence which has been given by the managers and the defendant's counſel on the agency of Mr. Auriol. The Commons charge, that the defendant, in farther purſuance of the ſame prodigal and corrupt ſyſtem of government, ap-

pointed James Peter Auriol, Esq. agent of supplies for the presidency of Madras in December 1780, when there was a great scarcity of provisions at that settlement: That the defendant gave him fifteen per cent. commission, though Auriol had only required the usual commission, which was five per cent. as the defendant well knew: That he also appointed Auriol agent for the supply of the other presidencies: That he scandalously and illegally declared this agency to be a reward for his long and laborious services as secretary: That his gain at fifteen per cent. being exorbitant, Mr. Hastings, on the 25th of March 1782, reduced it to five per cent. on all the expences of freight, &c. and fifteen per cent. on the purchases: That the provisions supplied were often bad, not agreeable to musters, of short weight; and that Mr. Hastings discouraged all just inquiry into such complaints.

The evidence upon this agency is so exceedingly clear, and all that is important lies in so very narrow a compass, that I shall not take up much of your Lordships' time in referring to it.

It appears that a very early consequence of Hyder's invasion of the Carnatic was, an extreme scarcity of grain at Madras, and a strong apprehension of famine, unless relieved by the exertions of the Bengal government. Considerable supplies of provisions were sent from Bengal in the months of October and November 1780.

Sir Eyre Coote, who arrived at Madras early in November 1780, gave to Mr. Hastings a most gloomy picture of the state of the Carnatic, and frankly told him, that Madras must depend upon him for men, money, and provisions. The government of Fort St. George made similar representations, and they were farther enforced by the most pressing private letters from Mr. Smith, the Governor of Madras, to Mr. Hastings.

It was in this state of affairs, that Mr. Auriol the secretary proposed to contract for the supply of a very considerable quantity of grain and provisions, to be delivered on certain terms at Madras, or, as their wants were most urgent, to furnish every possible assistance, and to be indulged with the usual commission for his trouble; the latter proposal was accepted, and Mr. Auriol was appointed agent of supplies with a commission of 15 per cent. Now, my Lords, the Managers assert that the usual commission of merchants was 5 per cent. and they have proved it to be so: But the defendant's counsel, on the other hand, have brought full proof, that where stores are furnished by individuals in the Company's service, the commission has been 15 per cent.; so that there can be no doubt, but that when Mr. Auriol proposed to take the usual commission, he meant that commission which every person in the Company's

service, when employed to purchase stores, or provisions, did actually receive.

The supplies required at Fort St. George were so very considerable, that the commission of 15 per cent. though fixed agreeably to established practice, was reduced to 5 per cent. on all charges. The Court of Directors, in July 1782, expressed their disapprobation of this agency, and it was accordingly annulled. But, my Lords, it is absolutely impossible for any fair or candid man to read the evidence which has been given upon this charge, without concurring entirely in the justice of the expressions said to have been uttered in another place *—"That Mr. Hastings had the merit of having saved a whole people from perishing by famine, and of doing it in the most œconomical way possible."—It appears by the letters on your Lordships minutes, that Lord Macartney, after he had succeeded to the government of Fort St. George, expressed his sense of the exertions of the Bengal Government in the strongest terms. He attributed the preservation of the Carnatic to the zealous and judicious efforts and exertions of the Governor General and Council.

On the 31st of October 1781, Lord Macartney, in a letter to the Court of Directors, says, "I am happy to do justice to the Governor General and Council of Bengal, for their great exertions in supplying us with money and provisions; to those exertions I consider the preservation of this settlement to be in a great measure owing."

Your Lordships will find, on a comparison between the expence of the rice furnished by contract, and of that which was supplied under the agency of Mr. Auriol, that the latter was a cheaper and by far a better mode of supply, and indeed it seems now to be the universal opinion of gentlemen in office in India, that it is infinitely more for the advantage of the public service, more especially in time of war, to confide in agents, who are men of honour, than in contractors.

The Commons alledge, that the provisions furnished by Mr. Auriol were of a bad quality; but it is fully established by the evidence, that infinite pains were taken to procure provisions of the best quality, that those endeavours were attended with the completest success, except in the instance, where the applications from Madras were so exceedingly pressing, that the agents bought up rice wherever it could be procured, and a small part of it being exposed to the rain, became damaged; and in another instance, a few bags of rice were

* By Mr. Pitt, when he opposed this charge in the late House of Commons, in April 1787.

stolen. These, I think, are the only instances of failure, both of which were owing to accident, in the execution of this agency; and it appears to me, that Mr. Hastings could not have placed so important a trust in better hands.

The next, and the closing allegation in this article, is the agency of Mr. Belli. Mr. Hastings is charged with granting this agency on very extravagant terms, to his private secretary. The evidence sets this transaction also in so very clear a point of view, that I imagine I need not detain your Lordships with many observations upon it. Of the propriety of keeping up a proper supply of provisions in Fort William, none of your Lordships will entertain a doubt. A reference was made by the Board to three merchants in Calcutta, in order to know what would be the rate of commission at which a certain quantity of provisions, of a perishable nature, could be kept in Fort William. The merchants reported that the service could not be done for less than twenty per cent. By examining the accounts of a store-keeper, it appeared, that on many of the articles furnished by him, there had been a loss of ninety per cent.; and the Board ultimately fixed the allowance at thirty per cent. General Clavering strongly opposed the terms of this agency, and calculated that the profits would amount to thirty thousand pounds in three years. Mr. Hastings feeling the language in which the dissent was couched as in some degree personal, after controverting General Clavering's calculations, declared, that the accounts of the agents should be open to the inspection of the Company, and that if the directors thought the profits too great, he would be responsible for Mr. Belli's paying the surplus into the public treasury. Mr. Hastings added, that the proper supply of Fort William with every requisite for a siege, was a concern for which, as Governor of that garrison, he was especially responsible, and that he had confided the charge to a man who he knew would discharge the duty with fidelity and honour.

The directors, my Lords, thought proper to adopt all the calculations of General Clavering; that is, they supposed that the profits of this agency would amount to thirty thousand pounds in three years; they direct, therefore, that the agency be reduced to twenty per cent. and that Mr. Hastings should pay, or cause to be paid, ten thousand pounds into the treasury. Before this order reached Bengal, Mr. Belli, in the form of a contract, was bound to supply Fort William with provisions for five years, from September 177[illegible], on the terms of his agency: When the letter of the directors was referred to Mr. Belli, he declared that it would be absolutely impossible for him to go on at twenty per cent.; and he was convinced that the directors would not desire him to pay ten thousand pounds, when they

knew that his whole profits for three years, on a very troublesome and precarious agency, had not exceeded that sum: That the directors, adopting General Clavering's calculations, concluded that he had made thirty thousand pounds in three years, of which they permitted him to retain twenty, and to pay the other ten into the public treasury; whereas, in truth, he had made but ten thousand pounds, only one half of the profit which the Company were willing to allow him.

My Lords, this representation was transmitted to the directors, and I can only suppose they conceived it to be perfectly satisfactory, from the circumstance of their total silence on that subject, from the year 1780 to this day.

Part of the stores laid in by Mr. Belli were sold in December 1784; the price charged to the Company for those stores was two thousand six hundred and ninety pounds—they sold for four thousand five hundred and twenty pounds. The circumstance was noticed to the Company, and in the answer of the directors, dated in March 1787, they speak in very high terms of the assiduity and fidelity of Mr. Belli. My Lords, this gentleman came to England in 1785, and continued some years, to be examined as a witness; but the managers not chusing to call him, and Mr. Hastings, unwilling to detain him longer at a manifest inconveniency, he returned in the year 1793 to Bengal; he had remained beyond the period prescribed by law, and it was necessary that he should be re-appointed to the service, by a vote of three fourths of the directors, and three fourths of the proprietors: He had the pleasure and satisfaction, however, of having been unanimously re-appointed by both those respectable bodies; and it certainly appears, both in the instance of this gentleman and Mr. Auriol, that Mr. Hastings fixed upon men of fair and honourable characters to execute two very important agencies.

I have now, my Lords, gone through the whole of the fourth article. It was preferred by the Commons on two grounds.—The first, as the managers stated, in order to repel a defence which they supposed Mr. Hastings might set up, against the articles called Benares, and the Princesses of Oude. It was presumed, that he would defend himself from those charges, on the plea of State necessity; and the managers attempted to prove to your Lordships, that all the money obtained from Benares and Oude, was expended in these improvident contracts and agencies. Your Lordships, who have heard the defence of Mr. Hastings, well know, that though he has fully proved the necessity under which he laboured, and that India was in fact saved by the measures he adopted while at Benares,

he did not in any degree rest his defence upon that ground, but relied upon the justice of the acts themselves for his exculpation.

The second charge in this article is, that he gave these contracts and agencies, in order to acquire for his dependants exorbitant wealth, and to secure himself from punishment for the many unjustifiable acts by him done and committed, from the undue influence which he should acquire by this mode of dispensing favours.

Mr. Croftes, to whom the bullock contract was given, had certainly none of those political connections which are alluded to in the charges; and that gentleman, as I am informed, died insolvent, after Mr. Hastings had quitted India.

Mr. Sulivan, who had the opium contract, though he was the son of a gentleman who had been often the Chairman of the East-India Company, had the opium contract for the same period, and on the same terms with Mr. Mackenzie, and to the latter gentleman it was given unanimously in 1777, and renewed to him by an unanimous vote of the Council in 1780.

Mr. Auriol, who had the agency for provisions, was the public secretary of the Government of Bengal—a gentleman of very fair character, whose honourable discharge of so important a trust evinced the propriety of Mr. Hastings's selection.

Mr. Belli, who supplied the garrison of Fort William with provisions, was the private secretary of Mr. Hastings—a man, whose probity was fully acknowledged by the Court of Directors and the Board of Control, and so circumscribed in his fortune, that he was under the necessity of returning again to India two years ago, in the Company's service.

Sir Eyre Coote was known to be at the point of death when the letter was written, which laid the foundation of this part of the charge, and it does not appear, upon any fair reasoning, that Mr. Hastings, in any of these transactions, had an idea of establishing a political interest in this country, which might screen himself from punishment, or even from inquiry. I will not detain your Lordships any longer, and beg leave to move, "That the Commons have made good the charges alledged against Warren Hastings, Esq. contained in the fourth article, respecting the opium contract, the smuggling the opium to China, the allowances to Sir Eyre Coote, the bullock contract, the agencies of Mr. Auriol and Mr. Belli."

The Bishop of ROCHESTER said, he would trouble their Lordships with a few words upon the only one of the five allegations in this article, on which the smallest degree of doubt existed in his mind; he meant the opium contract granted to Mr. Sulivan in 1781. The opium contract had, he observed, been much relied

on by the Managers, and certainly had been attended with circumstances of a questionable nature. In order to shew in what light he understood this part of the fourth article, his Lordship referred to the material parts of the evidence, beginning with taking notice of the letter of the Directors to the Council, March 29, 1774, directing that all contracts should be publicly advertised, sealed proposals received, and the preference given to the lowest bidder, sufficient security for his faithful discharge of the conditions of his contract being at the same time taken. He next traced all the transactions in evidence, from the granting it to Mr. Mackenzie in 1777, on a contract for three years, to the sale of it by Mr. Benn to Mr. Young in April 1781, including the censure conveyed by the Directors in their letter of December 23, 1778, on the Council, for having omitted to advertise for proposals, previous to their contracting with Mr. Mackenzie for three years. The learned Prelate fully concurred with Lord Thurlow, in thinking it very extraordinary that the charge omitted to notice the contract granted to Mr. Mackenzie in 1780: He referred to the minute of the Board, in which Mr. Hastings recommended to the Council, that the opium contract be granted to Mr. Stephen Sulivan for four years, the resolution of the Council so to grant it, the reduction of the penalty on the opium contract, the abolition of the inspectors, and the sale of the contract by Sulivan to Mr. Benn for 350,000 sicca rupees before the execution of any part of the contract. His Lordship dilated upon the evidence of Mr. Benn and Mr. Young, and made a variety of observations upon each fact stated by them, as he came to the mention of it, shewing what grounds of a justificatory nature had been established by the testimony of the witnesses to qualify those facts, and prove that they had neither originated from a corrupt motive nor a crimial intention on the part of Mr. Hastings.

The learned Prelate said, there was certainly no proof that Mr. Hastings knew any thing of the transactions between Sulivan, Benn, and Younge; at the same time, if the contract had been publicly advertised, and there had been others to bid low, Young would have taken it from the Company at the price which he gave Benn for it, and in that event the Company would have gained the fourteen thousand nine hundred pounds a year, for five years, which was divided between Benn and Sulivan: But, his Lordship said, he was at a loss how to treat the ignorance of the whole Board on this subject of opium, after they had taken every pains to get information. As a crime exclusively in Mr. Hastings, and as a crime meriting impeachment, it might be the ground of a civil action from the Company, if they had thought proper totally to forget the many impor-

tant services of Mr. Hastings, and to forget also, that they were indebted to him alone for this valuable branch of revenue. He did not believe that any Member of the Board conceived that the Directors' orders relative to contracts, applied to this branch of the public revenue. The Company, however, entertained very different and more grateful sentiments towards Mr. Hastings; the proprietors had repeatedly returned him their thanks, and on his final resignation of the service, and after his arrival in England, the Court of Directors unanimously returned him their thanks, for his long, faithful, and important services—your Lordships will find them in evidence. The learned Prelate therefore contended, that until he was better informed, he should continue to believe that there was really no crime charged which could be properly cognizable by impeachment, and that it was a matter between Mr. Hastings and the East-India Company.

The Earl of CAERNARVON said, he was induced, by what had fallen from the learned Prelate, to detain them for a single minute, and it should be but for a minute: He said, that by the act of the 13th of the present King, the Governor General and Council were to obey all orders issued by the Directors; that, therefore, the not advertising and putting a contract to public auction was a breach of their standing orders. His Lordship added, that it was highly necessary to reprobate every improper expenditure of the public money: And the noble Earl then read an extract from a letter written by Mr. Hastings to the Directors, in which he tells them, that the service is loaded with gentlemen of high connections in England, who expect to acquire rapid fortunes, and are sent out to India with that view solely.

After several strong animadversions on the granting the opium contract for four years to Mr. Sulivan, who neither possessed, nor pretended to possess, any knowledge respecting the subject of his contract, nor any skill in the business, and who immediately sold it at a considerable profit to Mr. Benn, his Lordship proceeded to notice the next part of the charge respecting opium, namely, the Governor General's having dishonoured the British Government in India, and disgraced its credit, by lending his countenance to the smuggling trade, which he suffered to be carried on in the article of opium to China—when he, at the same time, well knew that the importation of opium was forbidden, under severe penalties, by the Chinese Government; that article itself is liable to be burnt, if seized, and the vessel that imports it to be confiscated, and the Chinese, in whose custody it may be found for sale, to be punished with death. The Earl made some pointed remarks on the scandalous nature of

the whole of the Governor General's conduct in this particular, and reprobated it severely. In order to illustrate and support his argument respecting it, he read a letter from the supra-cargoes at China and Canton, in which they say, that if the Captain had obeyed his orders, the opium might have been sold to great advantage; but they were afraid that public interests had been sacrificed to private advantages.

The Bishop of ROCHESTER rose again, and said, that he did not really expect the noble Earl would have drawn an argument from the letter of the supra-cargoes at Canton, to criminate Mr. Hastings for giving the opium contract to Mr. Sulivan: It surely was *ex parte* evidence. The supra-cargoes censured the Captain of the ship freighted with opium to China, and attributed it to him, or to others, that it did not turn out a much more beneficial adventure, the Captain as loudly censured the supra-cargoes: and Colonel Watson has proved, that though the business was new and very much mismanaged, it still was a very profitable concern for the Company.

The Earl of MANSFIELD said, that he had been lately too much employed to look minutely into the evidence on the different contracts, and, therefore, he should forbear to deliver his sentiments at the present moment, but he desired to be understood rather as having suspended his opinion, than as not having formed one upon the subject. There was one point, however, on which he could not conscientiously withhold them—a point on which his opinion had never varied, from the first moment that it was mentioned—he meant the extra allowances granted to Sir Eyre Coote; and he was desirous and anxious to communicate his sentiments upon that charge to their Lordships. The Earl declared, that in granting those allowances, he not only conceived the conduct of Mr. Hastings to be highly justifiable, but strictly meritorious.

The LORD CHANCELLOR said, that he would not detain their Lordships a moment. He wished only to observe, that in every instance but the bullock contract—and there he thought the terms too high—the evidence clearly proved, that the defendant had acted profusely and improvidently, as well as contrary to the express orders of the Directors; and therefore he was of opinion that the Commons had made good the charge.

The motions were then severally put, and the Not-contents had it.

It was next moved, that the Commons had made good the remainder of the impeachment against Warren Hastings, Esq. which was also negatived; and the resolutions, having been read over pro

forms, were ordered to be reported to the House on the following day.

Wednesday, 1st April.

Lord WALSINGHAM, as chairman of the Committee of the whole House, on the charges of the impeachment against Warren Hastings, Esq. brought up the report of the Committee, when the resolutions were read over by the reading clerk.

Lord THURLOW then moved, that the said report be taken into consideration next Monday se'nnight.—Ordered.

Thursday, 2d April.

No debate.—Adjourned till

Monday, 13th April.

The Earl of MANSFIELD moved an address of congratulation to the King, on the happy union effected between his Royal Highness the Prince of Wales and her Royal Highness the Princess Caroline of Brunswick; as also a similar address to the Queen and Prince—Agreed to unanimously.

His Lordship passed a spirited eulogium on that happy union, and enumerated the various and manifold blessings and advantages that must accrue to this country from the continuation of the illustrious House of Brunswick on the Throne.

Earl SPENCER moved, That the House be summoned for to-morrow, to vote an address of thanks to Admiral Hotham, the officers and seamen of the English fleet in the Mediterranean, for their gallant conduct in the late naval action with the French, and for the glorious victory gained over the enemy on that occasion.

The Earl of LAUDERDALE opposed the motion, alledging that it was a matter of doubt to him whether a victory was gained or not. He did not wish to oppose such a motion, if it was truly so; he wished to pay every tribute of gratitude and thanks to the bravery and gallantry of both officers and men, but he would be glad that the noble Earl would produce documents to satisfy the House on that head.—The motion was agreed to.

Lord WALSINGHAM (as Chairman of the Committee to whom the consideration of the evidence adduced on the part of the prosecution, and in defence of the defendant Warren Hastings, Esq. had been referred) presented the report, containing twenty-four resolutions; when the same was read a first time.

Lord Walsingham said, that not having had any opportunity, from the situation in which he had the honour to be placed, as

Chairman of the Committee, of [illegible] his opinion upon the subject of the resolutions then before the House; and as he had no wish to conceal from the House what that opinion was, he would take the liberty of stating it to the House, as shortly as he could, and without arguing it at large. He said, the principle upon which he meant to act was this; to acquit Mr. Hastings whenever he appeared to have acted clearly for the public service, or wherever any doubt arose so far in point of law, as that the most learned authorities in the House differed in their construction of the law upon the subject.

Upon this principle he was bound to acquit Mr. Hastings on the Benares and Begum charges, because his only object was the Company's advantage, without any view of self-interest in the case; therefore thinking as Mr. Hastings did, though Lord Walsingham might have acted differently, yet Mr. Hastings acted right in his own opinion; and his Lordship said it could be proved from the written, and still more from the parole testimony of almost every witness, that they were all convinced at the time, and even now continued in the belief, that the conduct of the Begums was disaffected towards the East-India Company during the rebellion of Cheyt Sing. In fact, Mr. Hastings risked himself and his own reputation for the good of the service alone; had he remained quietly at Calcutta, he might have saved himself from the possibility of blame, but the Vizier would have had no claim to any of those benefits to which he was entitled by the treaty of Chunar, nor would the Company ever have recovered that debt from the Vizier which it was so mate[illegible]or them to receive at that time.

Upon the [illegible] principle he was bound to acquit him upon the present given through Sadanund, because he took it with a view to forward an expedition which he thought essential, and which the Council objected to, because of the expence.

As to the present to the Raja of Berar, he thought it impossible to pronounce him guilty of that charge, because the Commons had (probably from mistake) charged him to have given it in the autumn of the year 1780, whereas the money that he gave for that purpose, and at that time, was the Dinagepore money, which was not in charge at all; and the Patna money, which was in charge, was not given till March 1781; and therefore the charge was certainly, literally speaking, not made out—but even if it had been proved as the Commons intended, it would certainly have fallen, as would that from Sadanund, within the act of 1773, having been carried to the Company's account.

He said, the present from Nundoolol was not made out, in point

of evidence, so as to warrant him to pronounce it to be an high crime and misdemeanor.

The present from the Vizier, and that from Nobkissen, stood indeed in a very different light; and although they were not illegally taken, yet he should have thought them improperly taken, even if they had been taken for the sole use of the Company—but still more so, if they were taken, (as in fact they appeared to be) with a remote view to Mr. Hastings's own benefit. That which was taken from Nobkissen, was not to be justified with respect to Nobkissen; but that was not in charge. The present from the Vizier was not to be justified, because he was at that time in so much distress, that his own troops were upon the point of mutinying for want of pay, and he had not credit enough to borrow one hundred thousand pounds, which he wanted six weeks afterwards, for the purpose of paying off certain establishments which were to be abolished by the treaty of Chunar, without making use of Middleton's assistance to enable him to complete the loan: At the same time his whole revenue, which, by Middleton's account, was not fifteen hundred thousand pounds a year nett money, was made over in assignment to the Company for the debt which the Nabob owed them, amounting to about five hundred thousand pounds, and for the current claims which the Company had upon him for the year 1781; which amounted to above seven hundred thousand pounds more, exclusive of all the Nabob's arrears to his own civil and military establishments. And therefore, as a part of Mr. Hastings's professed object in his delegation to Oude, was to relieve the distresses of the Vizier, his Lordship would certainly have pronounced him guilty of a high crime and misdemeanor in thus having added to them, if it had not been for the arguments of a noble and learned Lord.

He then went into a discussion of those arguments: He said, if he understood them rightly, Mr. Hastings could neither be voted guilty by the common, nor by the statute law, for having received them. As to the statute law, the act of 1773 was complied with, by his having carried the one, and offered the other, to the use of the Company: If the Company had sent him no answer for above ten years, and had neither accepted it themselves, nor ordered him to restore it, it was the Company's fault; nor could the act of 1784 attach upon a crime committed previous to the passing of that act. It was said, he could not be convicted by the common law, because the charge must state that the present was illegally and corruptly taken; which, in the case of the Vizier, was not so stated. It was said, it must also state the reward, or brokage, or consideration for

which it was taken; which was not so stated, either in the case of the Vizier, or of Nobkissen; nor did the charge mention any thing of its being a crime either of extortion or oppression.

At the same time, said his Lordship, he was free to confess that the arguments of the noble and learned Lord upon the woolsack made a very considerable impression upon his mind; but where two such learned authorities differed, the safest way for a Judge was to take the mildest side, and to lean in favour of the defendant, who from his character and situation was certainly entitled to all the favour that the House could shew him, wherever that favour could be shewn with justice.

As to the contracts, he sincerely wished he could acquit him upon all of them; but it appeared to him, that with respect to the opium contract he broke the orders of the Company, for the purpose only of benefiting Mr. Sulivan, whom he must have known he was about to benefit at the Company's expence.

Mr. Sulivan was at that time a young man, was just come out to India, and was already appointed Judge Advocate, and had also a situation in Mr. Hastings's family; so that he could understand very little of the culture of opium, nor could he reside upon the spot, which, it appears by the evidence, the contractors should do, for the benefit and security of the riots. He was the son of Mr. Sulivan, who was at that time chairman of the India House, and was Mr. Hastings's friend and protector, when he stood in need of all the protection he could obtain, from the numerous enemies with which he was surrounded; but that will not justify Mr. Hastings for sacrificing the interest of his employers in a moment of so much distress, to make the fortune of Mr. Sulivan.

At the same time let it be stated, and he sincerely hoped it might make a favourable impression upon the mind of their Lordships, that all the revenue which the Company have at any time derived, and are now deriving, from the article of opium, is entirely owing to Mr. Hastings, who rescued it from the hands of the Patna Council, to whom it was a perquisite; and that revenue from the year 1772, when it was transferred to the Company, cannot have amounted to less than two millions sterling up to this time.

But if the contract had been advertised as the Directors had ordered, it would have produced to the Company at least ten thousand a year more than it did produce during the four years for which Sulivan held it: It did produce a great deal more during the subsequent four years for which Sir John Macpherson advertised it; it produced more still, during the next four years for which Lord Cornwallis advertised it; and yet in those contracts a clause was inserted, giv-

ing to the Company the power to revoke the contract if they thought fit, which clause did not intimidate the contractors from bidding, as it was supposed it might, and ought to have been inserted in Sulivan's contract. It was, however, but justice to Mr. Hastings to remark, that the preceding observations applied equally to the contract granted unanimously to Mackenzie, which the Commons had not charged to be criminal; and it was certainly true, as a noble and learned Lord had observed, that Mackenzie held the contracts precisely for the same period, and upon the same times, that Mr. Sulivan had held it. But as it was granted to Mr. Mackenzie a second time, so soon after the Directors' disapprobation of his first contract, his Lordship was inclined to believe that the whole Board conceived the opium contract not to come within the rules prescribed for granting contracts in general.

Upon Auriol's agency for rice, he owned he had for a long time had great doubts why fifteen per cent. was given, when Mr. Brodie proved that five per cent. was the usual commission to merchants, and when Auriol was very glad to take it when offered to be reduced to five per cent.; but in answer to this, Barwell proves that fifteen per cent. was the constant commission given for every article of supply by the Government. This assertion, though not applied to this particular case, is yet proved by various points of evidence which directly support it; and above all, it is proved that Ferguson, in August 1780, took the contract at six rupees and eight annas the maund, Auriol, in December 1780, offered to take it at the same price, when Mr. Hastings proposed to him to take it upon a commission of fifteen per cent. And he called upon the House to observe, that Brodie wrote word in September 1781, that all the rice which was so sent, was not only in general of a better quality, but cost above twenty per cent. less than that which was supplied by contract. If it is said, that this only proved that the contract with Ferguson was too high; it is to be observed, when the same article was advertised in 1783, the lowest terms offered were within four annas of what Ferguson had received.

As to influence, he did not see with what view of influence this agency could be given: The charge indeed stated, that it was given to Mr. Auriol by way of reward for his services, but the moment the terms were agreed upon, Auriol left Calcutta for the benefit of his health, and the commission was executed by his brother till the month of September following.

As to Sir Eyre Coote's allowances, he agreed entirely with the noble Earl, (Lord Mansfield,) that Mr. Hastings did perfectly right not to take them off, under the peculiar circumstances of this case;

for it ſhould be remembered, that Mr. Crofteʼs letter to Mr. Briſtow to pay them, was written at a time when Sir Eyre Cooteʼs very name was a victory, and when it was of the utmoſt conſequence to the Company's affairs that Sir Eyre ſhould re-aſſume the command of the army in the Carnatic, which in point of juſtice to his family he poſſibly might have refuſed to do, in the dangerous ſtate of health in which he then was, as the expence which that command would require is known to be conſiderable.

His Lordſhip therefore ſaid, if he had been in Mr. Haſtings's ſituation he would have done exactly the ſame thing.

So he would with reſpect to the bullock contract, which was propoſed by Sir Eyre Coote, who complained, as did the provincial Commander in Chief, General Sibbert, that the former contract was made upon ſuch low terms, that the army ſuffered eſſentially by it; and it would have been a very invidious taſk, and Mr. Haſtings would have had much to anſwer for, had he taken upon himſelf to reject a motion ſo made by the Commander in Chief, in whoſe department it immediately was, and who was himſelf to ſee to the execution of it in time of actual ſervice: Nor were the profits enormous, as the charge ſtated; for Ferguſon's letter, ſupported by the declaration of his book-keeper Farlie, proved that his profits were not fifteen per cent. ſubject to bad debts to the amount of a lack of rupees, which is no very enormous compenſation when it is conſidered how great the reſponſibility is of ſuch an undertaking, upon which the very exiſtence of the army muſt depend, and alſo how great the riſk is; for, if the Marattas had entered the provinces, as was expected, Ferguſon muſt have been utterly ruined.

Nor did he ſee any thing to object to in the contract with Belli; the ſupply of the garriſon with proviſions, &c. was held to be material when it was propoſed in 1778, in which opinion even Mr. Francis himſelf concurred; that it was well executed, appears by the proviſions having ſold for above thirty per cent. more than they coſt Government; that the merchants were wrong in ſuppoſing twenty per cent. would be a ſufficient agency, is proved by Johnſon's account of the actual profit and loſs; which upon ſome articles was ninety per cent.

His profits, he declares upon his honour, were but ten per cent., which did not amount, upon the average, to three thouſand a year. Though the directors intended to reduce his contract to twenty per cent., that is, as much again as he actually received—his character is ſpoken to in the higheſt terms by Sir Eyre Coote; and afterwards by Sir John Macpherſon, and by Mr. Stables, when Mr. Belli left India.

Having thus touched upon the principal points of the resolutions of the Committee, his Lordship said, he felt the good sense of an observation that had been made by a learned Lord, (Lord Loughborough) that the House was trying the case, and not the man, and therefore he would forbear to travel at large into the wide field which presented itself before them, of Mr. Hastings's general merit and services; but so far he thought he might be at liberty to say, that in a situation the most important, and under circumstances the most trying and the most mortifying in which any public man ever stood, he had, by his exertions and by the strength and vigour of his mind, preserved an empire to the nation, which without those exertions might have been lost to it for ever.

Lord THURLOW moved, that the resolutions contained in the Report be read one by one, and a question put upon each.

The first resolution was read accordingly; and then the LORD CHANCELLOR left the woolsack, and said it appeared to him, that the only question that could be put in that stage of the business was, "That the Report do lie on the table." His Lordship observed, that the Report could not possibly be made the ground of any essential future proceeding; if however any noble Lord had it in his contemplation to follow it up with any future proceeding, it ought to be stated to the House what was to be the object of that proposed future proceeding, that their Lordships might see their way, and know to what measures they were to be induced. For his own part, he saw no possible use that could be drawn from putting a vote upon each resolution contained in the Report. If by a resolution of the House, the Report was agreed to *in toto*, no practical end would be answered. A resolution of the Committee would not conclude any noble Lord as to his ulterior vote in Westminster Hall, nor indeed would a resolution of the House so conclude him. Not having changed his own opinion since he had been in the Committee, he should certainly be inclined to find the defendant guilty on most of the charges; and no proceeding that their Lordships could institute, would, he believed, persuade him to depart from the line of conduct which he had laid down for himself as to his ulterior vote on each charge in Westminster Hall. If the coming to a resolution upon the Report, would at all tend to accelerate the progress of the cause, or aid the due administration of justice, he should have no objection; but considering that no farther proceeding had been intimated, or, as far as the House was apprised, was likely to be grounded on agreeing to it, he really was at a loss to imagine what other question could be put than, "that the Report do lie on the table." He hoped

therefore that the noble and learned Lord would forego his motion, and conſent that the Report be laid on the table.

Lord THURLOW declared himſelf to be ſomewhat aſtoniſhed at the ſort of objection that had been raiſed by the noble and learned Lord to a queſtion, which might almoſt be ſtated to be a queſtion of form. He feared, however, if the noble and learned Lord's reaſoning had been right in every part of it, their Lordſhips had gone ſomewhat too far, to fall in with it, without a violation of order, and ſomething like a groſs irregularity in the nature of their proceedings. The reſolutions contained in the Report had been read once, and the firſt of them had been diſtinctly read a ſecond time, which amounted to the ſame thing as if the queſtion had been put upon it. The form of proceeding which he had moved, and in which the Houſe had already engaged, viz. reading the reſolutions one by one, and by putting a queſtion upon each, was neither more nor leſs than the ordinary courſe of proceeding in all ſimilar caſes. When a report was brought from a Committee, either on a bill, a petition, or any other matter ſubmitted to the inveſtigation of a Committee, and upon which matter of reference they came to more than one reſolution, it was the uniform practice of either Houſe of Parliament to diſpoſe of the report in ſome mode or other, either to re-commit it, to negative ſome of the reſolutions, and to agree with others, or to reſolve their concurrence with the whole of the report. Undoubtedly, if the reſolutions were all agreed to, it would not, as the noble and learned Lord had obſerved, conclude any individual Peer, as to his ulterior vote in Weſtminſter Hall. He was perfectly aware that it did not, any more than agreeing to the Report of a Committee to whom a petition had been referred, on which the Chairman of that Committee was directed to aſk leave to bring in a bill on the ſubject matter of that petition, conclude any one Member as to his giving his free opinion and vote in the diſcuſſion of the principle and clauſes of ſuch bill, when it ſhould come before either Houſe of Parliament. Every Member well knew that each ſtage of the bill was open to debate and oppoſition, and that their opinions and the mode of ſtating them, were not in the ſmalleſt degree fettered or embarraſſed by their having agreed to the Report, which went no farther than to indicate the ſort of bill to be brought in. They were nevertheleſs free to object to the principle, to any of the clauſes, and in ſhort to every part of the bill that they choſe to reſiſt. The noble and learned Lord's motion did what perhaps he was not himſelf aware of—it went to counteract the original purpoſe for which their Lordſhips had gone into a Committee. He thought it had then been underſtood, that it would be

more convenient for deliberation to discuss the evidence adduced on the part of the prosecution and defence in the form of a Committee than in a House, and consequently he had no idea that any noble Lord would object to disposing of the Report in the usual manner that all Reports from Committees were disposed of, and in the present instance it was more especially proper, as the fullest discussion of every part of the impeachment was desireable, and no mode of proceeding could admit of more opportunity of free discussion, than the mode of reading the resolutions one by one, and putting a distinct question upon each.

The Earl of CAERNARVON could not agree with the noble and learned Lord, but thought directly the contrary. He spoke from the noble and learned Lord's own words, if he understood them rightly, that the form of going into a Committee was adopted, for the sake of more free and ample discussion of the evidence. Why then should the noble and learned Lord wish to commit the House, by calling upon them to agree to the resolutions come to by the Committee, and thus embarrass their ultimate vote in Westminster Hall? What end would it answer, or what service would it do to the cause? It would merely secure the entry of their Lordships concurrence, if they should concur with the resolutions of the Committee, upon their journals, which would necessarily throw a difficulty in the way of their ulterior decision; and embarrass all their future proceedings. Possibly some noble Lords might think it necessary to call for the opinion of the judges on particular points of evidence, that appeared to be matters of law, and perhaps he might himself wish to have their opinion on one or two points. The House, pending the trial in Westminster Hall, had frequently thought it necessary to consult the judges upon parts of the proceeding, that depended on legal construction, but they had never once been called upon or consulted by the Committee, where their advice seemed to be the more necessary, as the case was reduced within a narrower compass than before, and the whole ground of discussion was confined to the evidence. His Lordship farther said, that the judgement to be delivered in Westminster Hall was a matter of conscientious opinion, and therefore he conceived that no other question than that stated by the noble and learned Lord on the woolsack, viz. that the Report do lie upon the table, could or ought to be put.

Lord THURLOW rose again, and said, the question suggested by the noble and learned Lord on the woolsack was directly in the teeth of parliamentary usage and precedent; whereas the mode of proceeding that he had proposed, and which the House had in fact adopted, was consonant to the uniform practice of Parliament.

Whichever of the two modes was adopted, was, his Lordship observed, a matter of perfect indifference in itself; but it would be fatal, were their Lordships rashly to form a precedent altogether new, and directly in defiance of the wisdom and experience of their ancestors, who had settled a mode of proceeding so immediately the reverse of that contended for. The proceeding in Sacheverell's case was stated in the Report of the Committee appointed by their Lordships to search for precedents, and there their Lordships would see, that although there were differences of opinion respecting parts of the impeachment, the House came to a vote upon each article before they delivered their verdict in Westminster Hall: He therefore saw no reason why they should not in this instance do the same, the more especially as it really concluded nothing that could affect the judgement that each individual Peer should think it his conscientious duty to pronounce in Westminster Hall.

The Earl of LAUDERDALE said, he had not attended the Committee, neither did he mean to take any part in the progress of the cause, for obvious reasons; but the present subject of debate he considered entirely to be a question of form, respecting which he was at liberty to deliver his opinion, without in the smallest degree interfering with the impeachment or the trial. He could not help thinking that the mode of proceeding contended for by the noble and learned Lord (Thurlow), viz. to read the resulutions one by one, and come to a distinct vote upon each, would be, to be guilty of the height of ridicule and absurdity. It involved this strange dilemma, and possible injustice to the defendant; their Lordships might acquit him of all the charges in their Chamber of Parliament, and find him guilty as a Court of Justice in Westminster Hall. Whatever vote they came to respecting the trial in the House, would of course be entered on their journals; and if a verdict of a different sort should be pronounced by their Lordships judicially, the defendant would have just cause to complain of the contradiction and inconsistency of their proceedings. On the other hand, how much more unjust would it be if the House should dissent from the resolutions contained in the Report of the Committee, and noble Lords should nevertheless individually acquit Mr. Hastings in Westminster Hall? He would in that case have cause to complain of being sent down to judgement under prejudice, and of standing criminated on their Lordships' journals, although he had been acquitted and pronounced innocent by the highest court in the kingdom, and the only court competent to decide upon his guilt or innocence in respect to the various matters charged against him. In fact, the Earl said, the sole aim seemed to be to obtain the vote of the House in concurrence with

the Report, for the sake of entering it on the journals, and he saw not what useful purpose that was to answer. With regard to what the noble and learned Lord had said of the usual course of proceeding with the Reports of Committees on petitions or bills, the present case was not to be compared with the report of a Committee on a bill, or the appeal of an individual even in an ordinary judicial cause. It was perfectly new in itself, altogether unprecedented, and of the highest importance, as it involved the national character on points the most tender, delicate, and sacred. He had as much reverence, the Earl said, for precedents established by the wisdom of their ancestors, and founded in good sense, as any noble Lord could entertain; but he was neither ashamed nor afraid to say, that where a precedent, of however long standing, was pregnant with the utmost ridicule and absurdity, he thought it high time to make a new case, and form a precedent established on less questionable grounds, and on grounds more reconcileable to common sense.—The noble and learned Lord had cited the proceedings of the House in the case of Dr. Sacheverell, but he saw no reason for implicitly adopting the same line of conduct; it might be proper in that case, and altogether improper in the present. His Lordship added a few more observations, and declared he should give his vote for the question which the noble and learned Lord on the woolsack had suggested.

Lord THURLOW said, he wished that those noble Lords who were such eager advocates for reform on all occasions, when they stated their sentiments in application to matters of judicial proceeding, would not direct their ideas to burying in their own ruins all the ancient establishments, and approved forms and principles of administering justice, without at the same time taking care to be ready to suggest and build up something better, more conducive to the ends of justice, and more likely to promote the grand object in all matters of judicial proceeding. The mode that he had moved, and which in fact the House had adopted, of reading the resolutions contained in the Report a second time one by one, was the mode most consonant to the invariable practice of Parliament for centuries, and it best admitted of full and free discussion in the House of each charge to which the resolutions of the Committee respectively referred. With regard to its having any tendency to commit their Lordships in any subsequent stage of the business, it certainly had not the smallest effect of that kind, and he begged their Lordships to recollect that they had already gone too far to allow them to adopt the motion of the noble and learned Lord on the woolsack.

The Earl of LAUDERDALE said, in reply, that he looked with as much reverence to the precedents established by their ancef-

tors as any man, when he was satisfied they were founded in wisdom and good sense; but he was not complaisant enough to adopt their absurdities, and support such as were open to ridicule. It had served the noble and learned Lord's purpose better to dwell upon that part of his speech, that implied a wish to introduce a new practice, and might admit of the use of the word 'reform,' than to answer the arguments which he had urged. In order, therefore, that what he had stated might not be lost sight of, he would remind their Lordships of the injustice the defendant might possibly have to complain of, by unnecessarily entering upon their journals what the result of their opinions upon the report of their Committee was, which might eventually be contradicted by the verdict given in Westminster Hall.

The Earl of CAERNARVON said, that the precedents on ordinary proceedings on reports of Committees to the House, could have no analogy with the present case. We have hitherto adopted a mode of proceeding liable to great objection, and the absurdity increases every step: the House has referred to the Committee the discussion of a subject in which the consciences of the Committee alone are concerned, and they are now inclined to treat the case, as one where they had referred to the Committee a subject for their examination and investigation, in order to collect matter to enable the House to act upon. In ordinary cases, the Committee take the labour of inquiry; they have power to arrange, digest, and report materials; but they have no power or authority to act; their proceedings are ineffectual, without the sanction or authority of the House: in the present case, the House has no authority; its approbation and concurrence can have no more effect than its disapprobation and disagreement on the opinion of the Committee. The Lords who attended Westminster Hall as judges of Mr. Hastings, have discussed the subject in a Committee in obedience to the orders of the House; they have reported their proceedings and opinion; if the House should disagree with them in opinion (and a question put to concur with the Committee implies the possibility of disagreeing) the Committee will certainly consider that opinion as nugatory as the disapprobation of any other large body of men would be, which neither could nor ought to influence Judges in the exercise of their duty, and the discharge of their consciences. They will go into Westminster Hall, and pronounce a judgement which will be an effectual and legal discharge or condemnation of Mr. Hastings, however it may differ from the opinion of the House, composed of Peers, who have not attended the trial; it would therefore be more becoming the dignity of this House to let the Report lie on the table,

without making any order on it, because none can be made that is consistent with common sense. It is certainly true that the objection would have been as valid to going into a Committee; but the discussion was thought by many of use; it cannot be of use to push it to an absurdity out of respect to form, especially when an attachment to form will lead us to a possible injustice as well as absurdity. If the House should be of opinion that the Committee are mistaken, and that Mr. Hastings is guilty, the Committee being composed of those Peers who have attended Westminster Hall, and are the Judges in this trial, will nevertheless prevail in acquitting him, and the House, who are not his Judges, will have ineffectually and extra-judicially slandered his reputation, and delivered down to posterity a libel upon the defendant, and a censure upon his Judges. I do not know what the precedents are, but I know that the present trial, from its extraordinary length, differs so materially from every other on the records of Parliament, that no precedent can apply. The objection might not have occurred in short trials, where all the Peers attended the whole trial; and the same persons decided all questions on that trial, whether in Westminster Hall as Judges, or in the Committee and in the House of Peers—the place and form, not the substance, was changed; no difference of opinion on the same points was to be apprehended: but in a trial of so many years, where variety of changes by death or creation have taken place, and many from illness and fatigue have not attended the conclusion who attended the commencement of the trial; and at length the Judges are reduced to less than thirty; in such a case, the Judges bear no proportion to the House of Peers, who are to vote upon the report of the Committee, and who may, without inconsistency, differ with the Judges, though they cannot influence their conscience or their conduct. If the forms of the House do not admit the proposition, that the Report do lie upon the table, the previous question must enable the House to get rid of a question not fit to be put. I shall therefore move the previous question.

The LORD CHANCELLOR a second time left the woolsack to maintain his former argument, and to assert that any farther or different line of proceeding would be perfectly inept and nugatory. The noble and learned Lord, he said, could not be ignorant, that when a question upon a point of law had been solemnly argued at the bar, previous to the Judges of the Court delivering their opinion *singulatim* from the bench, it was usual to hold a consultation, when the grounds of the argument on both sides were discussed; objections, as they rose in the mind of each Judge, were started, considered by the other Judges, and answered, as far as reply suggested itself;

and after due conſideration of the whole matter, the Judges proceeded to deliver their opinions in Court: but it was no unuſual matter for each Judge to adhere to his original opinion, and to ſtate it, with the reaſons for it, from the bench. In like manner, his Lordſhip conſidered that ſtage of the buſineſs. The Houſe was holding a conſultation with reſpect to their ſubſequent mode of proceeding, and the more free and unfettered it was, the better in his judgement. The Committee had certainly afforded ſcope for much valuable diſcuſſion; it had been the means of throwing a conſiderable degree of light on the evidence, and had certainly removed a great deal of difficulty in regard to the formation of an ultimate judgement on the cauſe; but to what purpoſe paſs a vote on the Report, when it was agreed on all hands that it would conclude nothing?

Lord THURLOW once more roſe and ſaid, he had heard nothing that weighed in his mind ſufficiently to juſtify a departure from precedent and long-eſtabliſhed cuſtom. The noble and learned Lord had aptly enough compared their preſent ſituation to that of the Judges of any Court in Weſtminſter Hall, holding a conſultation after a ſolemn argument at bar, previous to their delivering their opinions *ſingulatim* in Court. How did their Lordſhips diſpoſing of the Report one way or another apply as an objection? Whether they agreed to the Report, or negatived any part of it, they were as free to hold a conſultation upon their reſpective opinions as ever. His Lordſhip having adverted to the Earl of Middleſex's caſe, ſtated in the former report of a Committee of their Lordſhips, mentioned what had been the proceedings of the Houſe previous to the giving judgement in Weſtminſter Hall. He added farther reaſoning, but ſteadily adhered to his firſt argument, declaring, that if any queſtion was put in that ſtage of the proceeding, other than to agree to the reſolution that had been read, it could only be the previous queſtion.

On the queſtion being put by the Lord Chancellor, on the previous queſtion, viz. "That this queſtion be now put," the numbers were,

Contents, 6; Not Contents, 14.

The remaining reſolutions were then, by conſent, read ſhort, and agreed to.

Ordered, That the impeachment be taken into farther conſideration on Friday next.

Tueſday, 14th April.

Earl SPENCER roſe, in purſuance of the notice which he gave yeſterday, to move the thanks of the Houſe to Admiral Hotham for

the victory which he obtained over the French fleet in the Mediterranean. The noble Earl obſerved, that the victory for which he propoſed their Lordſhips to vote their thanks, was owing to the ſkill and bravery of the gallant Admiral whom he had named, and alſo to the courage of thoſe who were under him in command. Such victories, he thought, ſhould always be acknowledged and rewarded with the higheſt honour their Lordſhips could beſtow. He ſhould have thought it unneceſſary to ſay any thing on the ſubject, more than barely to move the thanks of the Houſe, had he not yeſterday underſtood that one noble Lord intended to make ſome obſervations upon the ſubject. He was induced, however, to think that noble Lord would not oppoſe the motion with which he intended to conclude; for the importance of the victory he alluded to was undeniable. If any thing remained imperfect in the account of that event, it aroſe out of the modeſty with which the gallant Admiral had tranſmitted it, and of the diffident terms in which he conveyed the information of a victory which was ſo much owing to his own merit. By this victory, the naval ſuperiority of Great Britain had been maintained; and for ſuch ſervices he was confident their Lordſhips were ready to beſtow their praiſe, and the Public to acknowledge their obligation. He concluded with moving, "That the thanks of this Houſe be given to Vice-Admiral Hotham, for his meritorious ſervices in the command of His Majeſty's fleet lately ſtationed in the Mediterranean."

His Lordſhip obſerved, that if his motion ſhould be carried, as he had no doubt it would, he ſhould follow it up with motions of thanks to Admiral Goodall, Sir Hyde Parker, and all the officers, together with an acknowledgement and approbation of the ſervices of the men on board the fleet, &c."

The queſtion of thanks to Admiral Hotham being put,

The Earl of LAUDERDALE obſerved, that the noble Earl who had made this motion had conjectured rightly, when he expected that he ſhould make ſome obſervations on this ſubject, although he ſhould not oppoſe the motion in particular. He objected, however, in general to the practice of voting thanks indiſcriminately for all victories. He thought that the ſervice was not honoured by placing on the ſame footing of merit, the victory of the firſt of June and the taking of Baſtia! He was of opinion that a great difference ought to be made between a ſplendid victory and a trivial advantage; but Miniſters had of late confounded them, by coming forward to move thanks indiſcriminately to Lord Hood and Lord Howe. This practice, however, had been confined a good deal to our naval operations; for, with the ſingle exception of Sir Charles Grey, Mini-

fters had, by the wifdom of their plans, contrived to preclude our military force from any chance of receiving the thanks of that Houfe for the exertions of its Commanders. With regard to any diffidence that might be felt on this occafion, he owned he had not any, as far as regarded Admiral Hotham; his diffidence arofe from the London Gazette. He perceived, in the account of this victory, in actual engagement with Admiral Hotham, the very fhips which were ftated by the Gazette to be deftroyed by Lord Hood at Toulon, and others which were ftated to have been fo difabled, as to be totally unfit for fervice. Now he wifhed to know with what propriety their Lordfhips could rely on the laft account of the victory of Admiral Hotham, when they found the affair of Toulon fo fallacious and unfounded. By this mode of proceeding, their Lordfhips were to thank two Admirals for deftroying the fame force, to pafs a double vote of thanks for one and the fame act; and poffibly, hereafter, Minifters would come forward to thank fome other Englifh Admiral for deftroying thefe very fhips a third time. Upon thefe confiderations, he thought their Lordfhips fhould inftitute an inquiry before they voted thanks in future. He admitted, that the London Gazette had, formerly, indeed, been a vehicle of intelligence on which the Public might rely; but fince the commencement of the prefent war, experience had taught us to regard its authority in many inftances as extremely doubtful, if not altogether fallacious.

Earl SPENCER faid, that the noble Earl might, with the exertion of a very little ingenuity, have difcovered that the very fhips which bore the fame names as thofe deftroyed by Lord Hood at Toulon, might have been built on the keels of thofe which had been burnt to the water's edge. The Ville de Paris would foon be at fea, and fhould it be taken by the enemy, and fhould it be propofed in the National Convention to thank the Admiral for fuch an achievement, any Member of that Convention might ftart up with as much propriety as the noble Earl now did, and fay that the Ville de Paris had been funk many years ago. The noble Earl might amufe himfelf and their Lordfhips as much as he thought fit, but the obfervations he had made did not appear to him to be quite applicable to the fubject.

The Earl of LAUDERDALE faid, that with regard to ingenuity, he did not pretend to ufe any on the prefent occafion; he left the noble Earl to [illegible] as often as he pleafed upon his great ftock in trade of that article, in which there was no fear of his ever feeling any deficiency: he had, indeed, given an inftance of it this day. With regard to the idea of his attempting to amufe himfelf,

he could only ſay, that he, in attending that Houſe, had ſomething in view more important than amuſement. He attended his duty as a Peer of Parliament, to call Miniſters to their duty, and to do all he could to undeceive the Public. What the noble Earl had juſt ſaid, was a proof of the neceſſity of theſe obſervations. The information, which he had given to the Houſe, was ſerious and alarming indeed; for he had told the Houſe that the ſhips which had been alluded to, might have been built on the keels of thoſe which had been burnt to the water's edge by Lord Hood at Toulon. What was this but confeſſing the ſuperiority of the enemy to us in building ſhips of war? What he had ſtated with regard to the Gazette, he muſt repeat, and he would add, that the accounts in it were ſtudiouſly fallacious. It was now a publication to deceive the Public, and on which the preſent Adminiſtration endeavoured to build their narrow fame.

Earl SPENCER ſaid a few words in explanation, and obſerved, that the queſtion before their Lordſhips was, whether the victory obtained over the enemy by Admiral Hotham, was ſuch as merited the thanks of that Houſe?

The queſtion was then put and carried.

As were alſo the thanks to Admiral Goodall, Sir Hyde Parker, officers and men, &c.

Friday, 17th April.

Lord THURLOW roſe, and ſaid, the next point to be adjuſted was, the mode and form of the queſtions to be put to their Lordſhips individually, when they gave judgement in Weſtminſter Hall, on the impeachment of Warren Haſtings, Eſq. From the moment that their Lordſhips had taken the ſubject into their conſideration, after the caſe had been cloſed on both ſides in the Court below, it had been ſettled that the articles ſhould be diſcuſſed ſeparately, not only article by article, but charge by charge, as many as were found to be contained in each article. His Lordſhip ſaid, that he had ſuggeſted this mode of diſcuſſion, in the firſt inſtance, in order to remove obvious difficulty and avoid embarraſſment, which muſt have been the caſe, where any difference of opinion was likely to be entertained; and in order to leave each noble Lord perfectly free and unfettered as to the operation of his judgement, upon every one diſtinct criminal charge. As far as the nature of the caſe ſhould be found to require it, his own opinion was, that the ſame line of conduct ought to be purſued with regard to the queſtions to be put in Weſtminſter Hall; where there were ſeveral diſtinct charges contained in one article, it would, he conceived, be proper to put ſe-

veral distinct questions. He owned, however, he had been a good deal struck with the opinion stated by the noble and learned Lord, when discussing the first article, viz. that although it consisted of several facts averred to be matters of distinct criminal charge, yet that all of them collectively, amounted only to one material charge of high crime and misdemeanor; aad that, had the article been properly drawn, the arrest would perhaps have been the only, or at least the principal, charge averred in the first article. It was indisputably true, that they were but so many constituent parts of one whole, and were so far relatively connected, that, though separately averred, they might all, without embarrassment or difficulty, be comprehended in one question to this effect: "Is the Defendant, Warren Hastings, guilty of the charges of high crime and misdemeanor contained in the first article of the impeachment?" His Lordship said, he wished to hear the sentiments of other noble Lords, before he moved it as a question to be put.

Lord RADNOR said, he had some difficulty in regard to the first article. It consisted of various charges, with respect to some of which, he might think Mr. Hastings criminal, and with respect to others, he might deem him innocent. He thought it might be considered as divisible under five distinct heads of charge, in which case every noble Lord, who entertained a different opinion upon the different charges, might satisfy his conscience and his judgement, by answering, as he was convinced, to the question that should be put upon each. He did not, however, mean to offer any resistance to the motion; he wished, nevertheless, to hear the opinions of other noble Lords on the subject, with respect to the law and justice of the case, and in respect to the mode of delivering judgement.

The LORD CHANCELLOR said, that as the noble and learned Lord had already stated, the article certainly did contain several charges separately averred, but most of them were not substantive charges, only matters of aggravation, and tending to lead to, and substantiate the material facts that were, in the consideration of law and justice, the high crimes and misdemeanors to be decided upon. He thought, therefore, the whole article might be comprehended under the single question of—Is the Defendant guilty, or not guilty, of the high crimes and misdemeanors charged in the first article?

Lord THURLOW said, the opinion of the noble Earl was certainly of weight, and entitled to great respect; if it was generally the wish of their Lordships to subdivide the article, and put five distinct questions, he had no objection; but he really saw no occasion for it, as the fine, the arrest, and the deposition of Cheyt Sing

constituted the essential charge, and the other facts averred as matters of criminal charge, were either to be deemed matters of aggravation, or inducements to the material charge. His Lordship having farther explained the grounds of argument, which had induced him to entertain the opinion he had before stated to their Lordships respecting the Benares article, moved the question in form, as he had first proposed it; which having been unanimously agreed to,

Lord Thurlow moved, "That each Peer give his answer to the question, by laying his right hand on his breast, and saying, "*Guilty*, or *Not Guilty*, upon my honour."—Ordered.

Lord Thurlow next observed, that the article concerning the treatment of the Begums, certainly consisted of two parts: The violation of the Company's guarantee was one, and the resumption of the jaghires, and seizing of the treasures in possession of the Begum, the other; but as one led to the other, and both were connected, he thought both might be comprehended under one question, and should move accordingly, unless some noble Lord should object to it. No objection being offered, the question was so put and agreed to.

The next article, being the sixth, containing the several charges respecting the presents,

The Earl of MANSFIELD rose and said, he thought that the charges contained in that article stood on such different grounds from each other, and were so distinct in their nature, that they could not be comprehended under one general question of *Guilty* or *Not Guilty;* because, if that was the case, how could those who thought the Defendant guilty of any one charge of taking a present, acquit him upon the whole article? Or, on the other hand, how could those who thought him innocent of some, but guilty of others, condemn him upon the whole? Until he was better advised, his Lordship said, he should think the several distinct charges required as many distinct questions to be put respecting them.

Lord WALSINGHAM said, he felt exactly in the same manner respecting the article relative to the contracts; in some instances he might think Mr. Hastings criminal; in others not so: And therefore he felt the necessity of putting distinct questions on each head of charge contained in the fourth article.

Lord THURLOW said, it was enough to incline him to agree to put separate questions, to hear that any one Lord desired or felt it proper to meet the respective charges contained in the two articles of presents and contracts, with distinct and separate questions.

Distinct questions were accordingly agreed to be put and taken *seriatim*, on the six charges contained in the sixth article, viz. the presents which Mr. Hastings was charged to have corruptly taken in

the years 1772, 1773, and 1774; the p[illegible] two lacks of rupees corruptly received and taken from Sadanund, the buxsy of the Rajah Cheyt Sing; the sum of money amounting to four lacks of rupees, taken and received from Kellcram, on behalf of himself and a certain person called Cullian Sing; the sum of fifty-eight thousand rupees received and taken as a present from Nundoolol; the present of ten lacks of rupees taken and received from the Vizier at Chunar, in September 1781; and a sum of money amounting to thirty-four thousand pounds sterling, first fraudulently solicited as a loan, and afterwards corruptly and illegaly taken and retained as a present from Rajah Nobkissen.

Seven distinct questions were ordered, in like maner, to be put *singuli tim* on the fourth article, viz. the opium contract, granted to Mr. Stephen Sulivan for four years, without advertising the same, and on terms glaringly extravagant, and wantonly profuse; the having borrowed money at a large interest to advance to the contractor for opium, and engaging the East-India Company in a smuggling adventure to China, granting the bullock contract to Charles Crofts, Esq., granting the provision of bullocks by agency to Sir Charles Blunt, the several allowances made to Sir Eyre Coote, and directed to be paid him by the Vizier; the appointment of James Peter Auriol, Esq. to be agent for the purchase of supplies for relief of the presidency of Madras, and the other presidencies in India, with a commission of fifteen per cent., and the appintment of John Belli, Esq. to be agent for the supply of stores and povisions for the garrison of Fort William, in Bengal, with a commission of thirty per cent.

It was then moved and agreed to, that the questions to be put, be printed * for the use of their Lordships.

* The papers were thus printed for the use of their Lordships.

Questions to be put to the Lords in Westminster Hall, on the impeachment against Warren Hastings, Esq.

Die Veneris, 17° Aprilis 179.

Resolved, by the Lords spiritual and temporal in Parliament assembled, that the following questions be put to the Lords in Westminster Hall, viz.

1. Is Warren Hastings, Esq. guilty, or not gilty, of high crimes and misdemeanors, charged by the Commons in the first article of charge?

2. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged by the Commons in the second article of charge?

3. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to the said Warren Hastings having, in the years 1772, 1773, and 1774, corruptly taken the several sums of money

Lord THU[illegible] concluded with moving that their Lordships proceed farther in Westminster Hall with the impeachment of War-

charged to have been taken by him in the said years from the several persons in the said article particularly mentioned?

4. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, on or before the 26th of June 1780, corruptly received and taken from Sadanund, the Buxsy of the Raja Cheyt Sing, the sum of two lacks of rupees as a present or gift?

5. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, in October 1780, taken and received from Kelleram, on behalf of himself and a certain person called Cullian Sing, a sum of money amounting to four lacks of rupees, in consideration of letting to them certain lands in the province of Bahar in perpetuity, contrary to his duty, and to the injury of the East-India Company?

6. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, in the year 1781, received and taken as a present from Nundoolol the sum of fifty-eight thousand rupees?

7. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having, on or about the month of September 1781, at Chunar, in the province of Oude, contrary to his duty, taken and received as a present from the Vizier the sum of ten lacks of rupees?

8. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the sixth article of charge, in so far as relates to his having first fraudulently solicited as a loan, and of his having afterwards corruptly and illegally taken and retained as a present or gift, from Rajah Nobkissen, a sum of money amounting to 34,000l. sterling; and of his having, without any allowance from the Directors, or any person authorised to grant such allowance, applied the same to his own use, under pretence of discharging certain expences, said to be incurred by the said Warren Hastings in his public capacity?

9. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having, in the year 1781, granted a contract for the provision of opium for four years, to Stephen Sulivan, Esq. without advertising for the same, and upon terms glaringly extravagant and wantonly profuse, for the purpose of creating an instant fortune to the said Stephen Sulivan.

10. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having borrowed money at a large interest for the purpose of advancing the same to the contractor for opium, and engaging the East-India Company in a smuggling adventure to China?

ren Haſtings, Eſq. on [illegible]day next, and [illegible] of the ſame be ſent to the Houſe of Commons.

Ordered, that this Houſe do proceed farther in the trial of Warren Haſtings, Eſq. on Thurſday morning next, at ten of the clock, in Weſtminſter Hall.

Monday, 20th April.

Lord KENYON moved for leave to bring in a bill to amend an act paſſed in the laſt ſeſſion of Parliament, for the relief of inſolvent debtors of a certain deſcription. The former bill, his Lordſhip ſaid, on account of the looſe and ſlovenly manner in which it had been drawn up, was inadequate to its object, and ſeveral caſes had occurred to him and his learned brothers in their judicial capacity, where the humane intentions of the Legiſlature had been defeated. The primary object of this bill was to give perſons the benefit of the late act, who were in equity entitled to it; and next, to make a few

11. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to the contract for bullocks, granted to Charles Croftes, Eſq?

12. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to his having granted the proviſion of bullocks to Sir Charles Blunt, by the mode of agency?

13. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to the ſeveral allowances charged to have been made to Sir Eyre Coote, and directed to be paid by the Vizier for the uſe of the ſaid Sir Eyre Coote?

14. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to the appointment of James Peter Auriol, Eſq. to be agent for the purchaſe of ſupplies for the relief of the preſidency of Madras, and all the other preſidencies in India, with a commiſſion of fifteen per cent.?

15. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to the appointment of John Belli, Eſq. to be agent for the ſupply of ſtores and proviſions for the garriſon of Fort William in Bengal, with a commiſſion of thirty per cent.?

16. Is Warren Haſtings, Eſq. guilty, or not guilty, of the reſidue of the high crimes and miſdemeanors, or any of them, charged upon him by the impeachment of the Commons?

Reſolved, by the Lords ſpiritual and temporal, in Parliament aſſembled, that the ſaid queſtions ſhall be ſeverally put in Weſtminſter Hall to each of the Lords, beginning with the junior Baron; and that the only anſwer ſhall be given by each Lord in theſe words;—"Guilty, upon my honour;" or, "Not Guilty, upon my honour;" laying his right hand on his breaſt.

neceſſary regulations in the laws, as far as they related to actions of debt.

The Earl of MOIRA expreſſed his wiſh to ſupport any meaſure that had a tendency to the public good, and ſtill more cordially would he ſupport one which went to the reſtoring of individuals to ſociety, who were pining out a miſerable exiſtence within the walls of a priſon. But he was apprehenſive that this bill would not go far enough, as nothing ſhort of a change of the preſent ſyſtem of practice could eradicate the numerous abuſes that had crept into it. The Prince of Wales, his Lordſhip ſaid, he underſtood from common report, had received petitions from various perſons, praying that his Royal Highneſs would be pleaſed to uſe his influence in promoting an act of Grace. To the prayer of theſe petitions he underſtood his Royal Highneſs lent a favourable ear, and from a coincidence of circumſtances the petitioners were led to entertain the moſt ſanguine expectations of a favourable iſſue. If this report was well founded, an act of grace would be much more extenſive in its operation, and it would render a meaſure of this ſort nugatory, as far as it applied to the individuals who could not take the benefit of the late act. At any rate he truſted this bill would not be an obſtacle to the humane interference of the Prince, if his Royal Highneſs ſhould deign to become an advocate for the unfortunate. Leave was given, the bill brought in, and read the firſt time.

The bill for obliging perſons wearing hair powder to take out a certificate for permiſſion to do the ſame, was read a ſecond time, and on the queſtion being put for its commitment,

The Duke of NORFOLK ſaid, he obſerved a clauſe in the bill, which, in his opinion, was ſufficient to vitiate the whole, and to induce the Houſe either to expunge that clauſe, or to reject the bill *in toto*. He wiſhed, therefore, to appriſe their Lordſhips, that as he had not oppoſed the bill in the uſual ſtage, and as he did not wiſh to take the Houſe by ſurpriſe, he ſhould move for the rejection of the clauſe ſubjecting maſters of families to a heavy penalty for omitting to make a return of the perſons under their roof wearing hair powder without a licence.

The bill was ordered to be committed.

Tueſday, 21ſt April.

The Debtor and Creditor bill was read a ſecond time, and the Houſe adjourned.

Wedneſday, 22d April.

The Lottery bill was read a firſt time, a number of other bills were alſo read by their Lordſhips.

Mr. Fiſher, from the Exchequer, preſented to their Lordſhips a ſtatement of certain accounts.—Adjourned.

Thurſday, 23d April.

The LORD CHANCELLOR having given notice the preceding day that he would come down to the chamber of Parliament at eleven next morning, in order, as ſoon as their Lordſhips ſhould aſſemble, to ſend the Commons word that they were ready to proceed to Weſtminſter Hall, to give judgement on the impeachment of Warren Haſtings, Eſq., the Lords who meant to pronounce a verdict upon the ſeveral queſtions *ſingulatim*, previouſly ſettled to be put to each individual Peer who went into the Hall to ſit in his robes as a judge upon the impeachment, were preſent about twelve o'clock.

The Lord Chancellor then roſe, and deſired that farther directions might be given concerning the farther proceedings upon the trial of Warren Haſtings, Eſq. in Weſtminſter Hall.

It was moved to leave out in the ſixteenth queſtion, agreed to be put to the Lords in Weſtminſter Hall, after the words, "not guilty of," the following words, "the reſidue of the." The ſame was agreed to, and ordered accordingly. Then it was moved to leave out in the ſame queſtion after "miſdemeanors," the words "or any of them:" The ſame was agreed to, and ordered accordingly. It was next moved to inſert in the ſame queſtion after the words "by the," the following words, viz. "the reſidue of the:" Agreed to, and ordered accordingly.

Then it was moved to amend the reſolution touching the manner of putting the queſtions to the Lords in Weſtminſter Hall, by leaving out the word "put," after the word "ſeverally;" and inſerting inſtead thereof the word "ſtated:" Agreed to, and ordered accordingly. Alſo in the ſame reſolution, after the words "Weſtminſter Hall," to inſert the words "and the following queſtion put:" The ſame was agreed to, and ordered accordingly. Alſo in the ſame reſolution, after the words "junior Baron," to inſert the following words, "Is Warren Haſtings, Eſq. guilty, or not guilty?" The ſame was agreed to, and ordered accordingly. Then it was agreed by the Houſe and ordered, that the Lord Chancellor having taken the votes upon each of the ſaid queſtions, ſhall declare the majority to the Houſe, and alſo to the defendant, as ſoon as he ſhall be brought to the bar.

The Earl of CAERNARVON obſerved, that the 16th queſtion ordered to be put to the Peers in Weſtminſter Hall, notwithſtanding the alteration it had received, left him in conſiderable embarraſſment,

as he doubted whether it was possible to give to it the simple answer of Guilty or Not Guilty, and the order of the House prohibited a qualified or special verdict.

The division of the articles of impeachment into several questions to be put to the Peers as judges, has not been done with sufficient accuracy; so that several matters (contained in the four articles particularly discussed in the Committee) which are criminally charged in their respective articles, have been in the subdivision omitted, and will therefore neither meet with acquittal nor condemnation, except under the last sweeping question: Any person who will compare the articles of impeachment exhibited by the Commons, and answered by the defendant, with the evidence adduced, will see that the questions do not cover all the matter criminally charged in the articles; and consequently if no more accurate subdivision is made, or more comprehensive question put, as in the 1st and 2d articles, much criminal matter will escape judgement; as for instance (amongst many others), in the article relating to contracts, the exorbitant sum given to Mr. Ferguson for the relinquishment of the bullock contract, which might have been terminated by notice without any expence, is charged criminally by the Commons, and is neither comprehended in the terms of the 11th nor 12th questions. Several articles exhibited by the Commons, and answered by the defendant in his reply at the bar, and opened generally by the Managers, have been supported by witnesses and evidence, produced in the course of the discussion, of the particular articles specially opened, as in the 2d article, much evidence was produced, and some admitted only as applicable to parts of the 9th, 10th, and 11th, and other articles, and yet no question except the last or 16th question comprehends those matters which, whether sufficiently proved or sufficiently refuted, remain subject to the judgement of the Court; though the Managers did not think fit to open them particularly or dwell farther on them after the evidence they had already given. The 2d article on the subject of the Begums is so much involved in all those matters which respect the treaty of Chunar, and the conduct of Mr. Hastings towards the Nabob of Oude, that the evidence essential to one could not in possibility be indifferent to the others. The 16th question supposes a residue of matter criminally charged; for if there is no such residue, the question is idle and nugatory, if there is more than one single fact criminally charged in that residue, the question should be so framed as to enable those who are to decide, to affirm Guilty or Not Guilty, not only of the whole but of any part. The terms of the 16th question, as now altered, seem capable of an interpretation by which the answer of Guilty must be supposed to apply to all

the residue charged in the original articles of impeachment; and the phrase of Not Guilty may seem to imply that he was guilty of no part. To neither of these conclusions does the evidence permit me to subscribe, and consequently I should be obliged, in disobedience to the order of the House, to give a qualified judgement to the 16th question, which might occasion an adjournment to the chamber of Parliament, an event productive of inconvenience and ill effect, to be avoided if possible; and the alteration of the words, or at least an explanation from the House that the answer of Guilty to the 16th question is to be understood to mean that the defendant is guilty of high crimes and misdemeanors charged in some part of the residue, will remove all the difficulty, and no more minute subdivision will then be necessary, unless the defendant should be found guilty, in which case alone a more accurate calculation of the quantum of guilt must precede any possible punishment.

Lord THURLOW said, he could not avoid expressing his surprise at the observations made by the noble Earl in the present stage of the business. He called to the recollection of their Lordships, that in the various discussions which this important subject had received, he had repeatedly desired every noble Lord who entertained a doubt upon any allegation in any article, to propose a question either in a Committee of the whole House, or in the House, upon the Report. It was at the suggestion of different Lords, that the various questions were proposed on which they were that day to vote in Westminster Hall. The noble Earl made no objection to their Lordships' taking the second article in a single question, nor to the division of the fourth article into five questions. The noble Earl did not object to their Lordships' comprising all the other points on which the Commons had given no evidence, as well as the remainder of the articles on which evidence was given, in a single question. If he had, their Lordships might have come to twenty-six, instead of sixteen, verdicts in Westminster Hall. Lord Thurlow said, he had subdivided the matter on which evidence had been given, according to his ideas of the importance of the subject; but he never presumed to limit the noble Earl, or any other noble Lord, and therefore, if the division had not been made with sufficient accuracy, in the noble Earl's opinion, he must say the noble Earl himself was to blame; he had attended the discussion through every stage, and the noble Earl might have submitted his ideas to the House as often as he thought proper.

The LORD CHANCELLOR, who had first suggested the propriety of those amendments in the questions which the House had adopted, next stated the necessity of deciding that he ought to be at

liberty not to state to each Lord the whole question, as it would lead into great length, and answer no useful purpose, since stating it once at large, previous to his beginning to put the question upon it to each individual Peer, beginning with the junior Baron, would as effectually answer the end, and save their Lordships much time; but it was necessary to make an order to this effect, as the literal import of the order already made required that he should repeat each question to every Peer, on desiring him to say whether the defendant was *guilty* or *not guilty* of each particular charge.

Lord THURLOW and several other Lords declared their approbation of the proposed amendment.

A few words passed as to the conduct eventually to be held, if the Managers for the Commons should insist on speaking; but as it did not appear probable that the Managers would urge any such claim, nothing was settled on that point. Had the Managers therefore claimed it as their right, the Lords, in all probability, would have retired to their chamber of Parliament to debate the propriety of the claim, and adjust their decision upon it.

The order of the day being read for the proceeding farther in the trial of Warren Hastings, Esq. upon the articles of impeachment brought up against him by the Commons, for high crimes and misdemeanors, the Lords were called over by the clerk at the table. Then the House was adjourned into Westminster Hall, and the Lords proceeded there at half after twelve in the usual form, and after making an obeisance respectively to the Throne, being seated in their places, according to their rank of peerage, the House was resumed.

Proclamation having been made in the usual way, Warren Hastings, Esq. and his bail were called into Court, and the defendant having knelt, and been directed to rise, was ordered to withdraw.

Then the LORD CHANCELLOR stood up and said,

"Your Lordships having fully heard and considered of the evidence and arguments in this case, have agreed upon several questions, which are severally to be stated to your Lordships in the usual manner."

The LORD CHANCELLOR held in his hand a list of the titles of the Peers present, who had taken their seats in their robes *, and proceeded to put the first question to each individual Peer, beginning with the junior Baron, in the following terms:

* The rest of the House, who, either from having been created Peers, or succeeded to their titles, since the commencement of the trial, or who, from motives of conscience did not chuse to vote in judgement, stood unrobed about the Throne, spectators of the awful solemnity.

1st. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged by the Commons in the first article of charge?

George Lord *Douglas* (Earl of Morton in Scotland,) how says your Lordship, is Warren Hastings, Esq. guilty or not guilty of the said charge.

Whereupon, Lord *Douglas* stood up uncovered, and laying his right hand on his breast, pronounced—Not guilty, upon my honour.

The LORD CHANCELLOR then put the same question to all the Peers in robes, as follows:

James Lord *Fife*, how says your Lordship?—Not guilty, upon my honour.

Charles Lord *Somers*, how says your Lordship?—Not guilty, upon my honour.

Francis Lord *Rawdon* (Earl of Moira, in Ireland,) how says your Lordship?—Not guilty, upon my honour.

Thomas Lord *Walsingham*, how says your Lordship?—Not guilty, upon my honour.

Edward Lord *Thurlow*, how says your Lordship?—Not guilty, upon my honour.

Martin Lord *Hawke*, how says your Lordship?—Not guilty, upon my honour.

Frederick Lord *Boston*, how says your Lordship?—Not guilty, upon my honour.

Edwin Lord *Sandys*, how says your Lordship?—Not guilty, upon my honour.

Henry Lord *Middleton*, how says your Lordship?—Not guilty, upon my honour.

Samuel Lord Bishop of *Rochester* (Dr. Horsley,) how says your Lordship?—Not guilty, upon my honour.

John Lord Bishop of *Bangor* (Dr. Warren,) how says your Lordship?—Not guilty, upon my honour.

Thomas Lord Viscount *Sydney*, how says your Lordship?—Not guilty, upon my honour.

George Lord Viscount *Falmouth*, how says your Lordship?—Not guilty, upon my honour.

Henry Earl of *Caernarvon*, how says your Lordship?—Guilty, upon my honour.

Joseph Earl of *Dorchester*, how says your Lordship?—Not guilty, upon my honour.

Algernon Earl of *Beverley*, how says your Lordship?—Not guilty, upon my honour.

Jacob Earl of [illegible], how ſays your Lordſhip?—Guilty, upon my honour.

William Earl *Fitzwilliam*, how ſays your Lordſhip?—Guilty, upon my honour.

George Earl of *Warwick*, how ſays your Lordſhip?—Not guilty, upon my honour.

George William Earl of *Coventry*, how ſays your Lordſhip?—Not guilty, upon my honour.

John Earl of *Suffolk*, how ſays your Lordſhip?—Guilty, upon my honour.

George Marquis *Townſhend*, how ſays your Lordſhip?—Not guilty, upon my honour.

Francis Duke of *Bridgewater*, how ſays your Grace?—Not guilty, upon my honour.

Francis Duke of *Leeds*, how ſays your Grace?—Not guilty, upon my honour.

Charles Duke of *Norfolk*, how ſays your Grace?—Guilty, upon my honour.

David Earl of *Mansfield*, how ſays your Lordſhip?—Not guilty, upon my honour.

William Lord *Archbiſhop of York*, how ſays your Grace?—Not guilty, upon my honour.

Alexander Lord *Loughborough*, the Lord Chancellor, pronounced Guilty, upon my honour.

Upon the remaining fifteen queſtions the Peers voted in the following manner:

2. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged by the Commons in the ſecond article of charge?—*Guilty* 6—*Not guilty* 23.

3. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the ſixth article of charge, in ſo far as relates to the ſaid Warren Haſtings having, in the years 1772, 1773, and 1774, corruptly taken the ſeveral ſums of money charged to have been taken by him in the ſaid years from the ſeveral perſons in the ſaid article particularly mentioned?—*Not guilty unanimouſly.*

4. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the [illegible] article of charge, in ſo far as relates to his having, on or before the 26th of June 1780, corruptly received and taken from Sudanund, the Buxey of the Rajah Cheyt Sing, the ſum of two lacks of rupees as a preſent or gift?—GUILTY 4.—NOT GUILTY 25.

5. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the ſixth article of charge, in ſo far as relates to his having, in October 1780, taken and received from Kelleram, on behalf of himſelf and a certain perſon called Cullian Sing, a ſum of money amounting to four lacks of rupees, in conſideration of letting to them certain lands in the province of Bahar in perpetuity, contrary to his duty, and to the injury of the Eaſt-India Company?—GUILTY 3.—NOT GUILTY 23.

6. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the ſixth article of charge, in ſo far as relates to his having, in the year 1781, received and taken as a preſent from Nundoolol the ſum of fifty-eight thouſand rupees?—GUILTY 3.—NOT GUILTY 23.

7. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the ſixth article of charge, in ſo far as relates to his having, on or about the month of September 1781, at Chunar, in the province of Oude, contrary to his duty, taken and received as a preſent from the Vizier the ſum of ten lacks of rupees?—GUILTY 3.—NOT GUILTY 23.

8. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the ſixth article of charge, in ſo far as relates to his having firſt fraudulently ſolicited as a loan, and of his having afterwards corruptly and illegally taken and retained as a preſent or gift, from Rajah Nobkiſſen, a ſum of money amounting to 34,000l. ſterling; and of his having, without any allowance from the Directors, or any perſon authoriſed to grant ſuch allowance, applied the ſame to his own uſe, under pretence of diſcharging certain expences ſaid to be incurred by the ſaid Warren Haſtings in his public capacity?—GUILTY 5.—NOT GUILTY 20.

9. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in the fourth article of charge, in ſo far as relates to his having, in the year 1781, granted a contract for the proviſion of opium for four years to Stephen Sulivan, Eſq. without advertiſing for the ſame, and upon terms glaringly extravagant and wantonly profuſe, for the purpoſe of creating an inſtant fortune to the ſaid Stephen Sulivan?—GUILTY 5.—NOT GUILTY 19.

10. Is Warren Haſtings, Eſq. guilty, or not guilty, of high crimes and miſdemeanors, charged upon him by the Commons in

the fourth article of charge, in so far as as relates to his having borrowed money at a large interest for the purpose of advancing the same to the contractor for opium, and engaging the East-India Company in a smuggling adventure to China?—NOT GUILTY UNANIMOUSLY.

11. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to the contract for bullocks granted to Charles Croftes, Esq.?—GUILTY 3.—NOT GUILTY 23.

12. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to his having granted the provision of bullocks to Sir Charles Blunt, by the mode of agency?—GUILTY 3.—NOT GUILTY 23.

13. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to the several allowances charged to have been made to Sir Eyre Coote, and directed to be paid by the Vizier for the use of the said Sir Eyre Coote?—GUILTY 4.—NOT GUILTY 22.

14. Is Warren Hastings, Esq guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to the appointment of James Peter Auriol, Esq. to be agent for the purchase of supplies for the relief of the presidency of Madras, and all the other presidencies in India, with a commission of fifteen per cent.?—GUILTY 4.—NOT GUILTY 22.

15. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors, charged upon him by the Commons in the fourth article of charge, in so far as relates to the appointment of John Belli, Esq. to be agent for the supply of stores and provisions for the garrison of Fort William in Bengal, with a commission of thirty per cent.?—GUILTY 3.—NOT GUILTY 23.

16. Is Warren Hastings, Esq. guilty, or not guilty, of high crimes and misdemeanors charged upon him by the residue of the impeachment of the Commons?—GUILTY 2.—NOT GUILTY 25.

Distinct Summary of their Lordships' Votes, pronounced on the Defendant.

[illegible] Chancellor.—Not guilty on the 3d, 10th, and 16th.—

Earl of *Manſfield*.—Guilty on the 8th.—Not guilty on the reſidue.

Duke of *Norfolk*.—Guilty on the 1ſt and 2d.—No verdict on the reſidue.

Earl of *Suffolk*.—Guilty on the 1ſt, 2d, and 4th.—Not guilty on the 16th—No verdict on the reſidue.

Earl *Fitzwilliam*.—Not guilty on the 3d and 10th.—Guilty on the reſidue.

Earl of *Radnor*.—Guilty on the 1ſt, 2d, 8th, 9th, 13th, 14th.—Not guilty on the reſidue.

Earl of *Beverley*.—No verdict on the 9th.—Not guilty on the reſidue.

Earl of *Caernarvon*.—Not guilty on the 3d and 10th.—Guilty on the reſidue.

Viſcount *Sydney*.—Not guilty on the 1ſt and 2d.—No verdict on the reſidue.

Lord *Boſton*.—No verdict on the 8th, 9th, and 10th.—Not guilty on the reſidue.

Lord *Walſingham*.—Guilty on the 9th.—Not guilty on the reſidue.

Archbiſhop of *York*. Duke of *Leeds*. Duke of *Bridgewater*. Marquis *Townſhend*. Earl of *Warwick*. Earl of *Coventry*. Earl of *Dorcheſter*. Viſcount *Falmouth*. Biſhop of *Bangor*. Biſhop of *Rocheſter*. Lord *Middleton*. Lord *Sandys*. Lord *Hawke*. Lord *Thurlow*. Lord *Rawdon*. Lord *Somers*. Lord *Fife*. Lord *Douglas of Lochleven*.	Not guilty upon any one charge.

The 3d and 10th Not guilty unanimouſly.

Having thus collected the judgement of their Lordſhips on each of the ſixteen charges, the Lord Chancellor declared that a large

majority of the Lords present, had anſwered the ſaid ſeveral queſtions in the negative; and then declared, that Warren Haſtings, Eſq. is acquitted of the articles of impeachment exhibited againſt him for high crimes and miſdemeanors, and all things contained therein.

Then the defendant was ordered to be called to the bar, and kneeling, was bid to riſe.

Then the LORD CHANCELLOR ſaid,

" Warren Haſtings, Eſq.

" I am to acquaint you that you are acquitted of the articles of " impeachment, &c. exhibited againſt you by the Houſe of Com- " mons for high crimes and miſdemeanors, and all things contain- " ed therein, and you are diſcharged, paying your fees."

Mr. Haſtings bowed reſpectfully, and retired.

The LORD CHANCELLOR then put the queſtion, " Is it your Lordſhips' pleaſure to adjourn to your Chamber of Parliament?"

Ordered, and their Lordſhips adjourned accordingly to their Chamber of Parliament. And the Lords being returned, the Houſe was reſumed; and the following order was made:

" It is ordered by the Lords Spiritual and Temporal in Parliament aſſembled, That the Lord High Chancellor do give order for the printing and publiſhing the trial of Warren Haſtings, Eſq. and that no other perſon do preſume to print the ſame."

[The Hall was much more crowded when the Peers pronounced their opinions ſeverally on each charge, and judgement was given, than it had been on any preceding day of the Trial, or perhaps on any former occaſion.]

We annex the following Liſt as a matter that may gratify the Readers of after times.

Liſt of the Changes in the High Court of Juſtice in Great Britain, pending the Trial of Mr. Haſtings.

DUKES.

Cumberland	Montagu
Chandos	Montroſe (Earl Graham)
Mancheſter	Somerſet
St. Alban's	Newcaſtle
Leeds	Boulton
	Marquis of Hertford.

EARLS.

Huntingdon
Ferrers
Poulett
Effingham
Francis Earl of Guilford
Darlington
Pomfret
Hardwicke
Oxford
Frederick Earl of Guilford
Abercorn
Digby
Clarendon
Sandwich
Strafford
Cowper
Waldegrave
Kinnoul
Mount Edgcumbe
Camden
Hillſborough
Bathurſt
Stanhope
Orford
Talbot
Mansfield
Exeter
Buckinghamſhire
Macclesfield.

VISCOUNTS.

Montagu
Bolingbroke
Courtenay
Dudley and Ward
Montagu

BARONS.

Le Deſpencer
Say and Sele
Grantley
Boringdon
Berwick
Heathfield
Craven
Romney
Rodney
Gage
Dover
Mulgrave
Foley
Elphinſton
Camelford
King
Dacre
Sondes
Ponſonby
Harewood

BISHOPS.

Dr. Shipley, of St. Aſaph
Halifax, of St. Aſaph
Beauclerk, of Hereford
Harley, of Hereford
Law, of Carliſle
Thurlow, of Durham
Dr. Roſs, of Exeter
Horne, of Norwich
Wilſon, of Briſtol
Thomas, of Rocheſter
Hinchliffe, of Peterborough.

SCOTS PEERS in the laſt, but not in this Parliament:

Marquis of Lothian
Earl of Caſſilis
Aberdeen
Selkirk
Earl of Galloway
Hopetown
Dunmore
Kinnaird

CREATIONS.

Duke of Clarence
Lords Heathfield
Kenyon
Dover
Malmsbury
Fisherwick
Fife
Grimstone
Mulgrave
Dundas
Curwen
Douglas, Earl of Moreton
Lords Harewood
Douglas, Lord Douglas
Gage
Grenville
Auckland
Upper Offory
Clive
Littleton
Mendip
Bradford
Selfey
Yarborough

NEW BISHOPS.

Dr. Douglas, of Salisbury
Cleaver, of Chester
Stuart, of St. David's
Beadon, of Gloucester
Horne, of Norwich
Vernon, of Carlisle
Dr. Buller, of Exeter
Madan, of Peterborough
Sutton, of Norwich
Horsley, of Rochester
Courtenay, of Bristol

NEW PEERS of SCOTLAND.

Earls of Kelly
Lauderdale
Dumfries
Elgin
Earls of Glasgow
Torphichen
Baron Somerville

PEERS who have succeeded by Descent.

Duke of Manchester
Newcastle
Montrose, Earl of Graham
Somerset
Marquis of Winchester
Hertford
Earls Ferrers
Poulett
Clarendon
Sandwich
Pomfret
Hardwicke
Orford
Marquis of Abercorn
Earls Kinnoul
Stanhope
Oxford
Viscounts Montagu
Bolingbroke
Courtenay
Gage
Earl [illegible]
Earls Effingham
Hillsborough
Exeter
Mansfield
Bathurst
Guilford
Darlington
Buckinghamshire
Macclesfield
Mount Edgcumbe
Camden
Digby
Albemarle
Viscount Dudley and Ward
Barons Craven
Montagu, of Boughton
Clinton
Rodney
Camelford
Foley
Say and Sele
Grantley
Heathfield

Barons Dinevor	Barons Sondes
Romney	Ponsonby.

Total Peers dead, or Scots Peers in the last, but not in this Parliament — — — 87
Total Creations, new Bishops, and new Scots Peers — — 44
Total Peers succeeding by descent — — — 49

Total changes since the impeachment 180

N. B. Two Dukes of Somerset, two Earls of Guilford, two Viscounts Montagu, two Bishops of Hereford, and two Bishops of St. Asaph, have died since the trial of Mr. Hastings commenced.

MANAGERS out of Parliament.

Mr. Burke, Mr. Adam, Mr. Montagu.

DEAD.
General Burgoyne.

On FOREIGN SERVICE, out of the Kingdom.
Sir Gilbert Elliot, Sir J. Erskine St. Clair.

Succeeded to PEERAGES.
Lord North, Lord Maitland.

Nine out of Twenty changed.

REPORT

From the LORDS COMMITTEES appointed to search for Precedents of the Manner of proceeding to Judgement upon the Impeachments for High Crimes and Misdemeanors.

By the Lords Committees appointed to search for Precedents of the manner of proceeding to Judgement upon Impeachments for High Crimes and Misdemeanors.

Ordered to Report,

THAT the Committee had met, and had examined the Rolls of Parliament and Journals of the House, in relation to the proceedings in Parliament, in cases where judgement had been given upon the trials of persons impeached of high crimes and misdemeanors, which are as follow, viz.

1. Richard Lyons, merchant, of London, was impeached by the Commons, (50 Edw. III. 1376 —Rol. Parl. vol. ii. p. 323.)

1. For covinously procuring licence to export wool elsewhere than to the staple at Calais.

2. For collecting imposts for his own use on wools, wool fells, and other wares, without assent of Parliament, or charging himself on record to the King, or paying him in cash.

3. For an usurious loan to the King of 20,000 marks, to be paid 30,000.

4. For buying up the King's debts at low discount, and procuring payment in full, and for taking brocage to procure payment to the King's creditors: and several facts were alledged in particular.

He denied the third, (videlicet), the usurious loan, and pleaded the King's command for the second, (videlicet), the impost on wool, &c. which, however, he could not produce under seal or otherwise; and the King disclaimed it.—For the rest, he threw himself on the King's grace.

The judgement pronounced was, imprisonment during the King's pleasure, fine and ransom according to the degree of his offence, loss of franchise of London, incapacity of office, prohibition to come to Council or Court.

At a future day he was brought up again before the Lords, and told, that his offences were so great, that satisfaction had not been made; he therefore submitted body, lands, and goods, to the King's pleasure.

It was thereupon ordered, that his lands and goods should be seized into the King's hands, and his body imprisoned during his pleasure.

As to the general allegations, inquest was awarded.

2. William Lord Latymer was impeached; (50 Edw. III. 1376.—Rolls Par. vol. ii. p. 324.)

1st. For taking victuals and ransom of Becherell and Plymmeison in Bretaigne, contrary to the King's order, as appeared in Rageman's inquest, sealed by Lords in Bretaigne.

2d. Accession to the usury of Lyons, in lending 20,000 marks to be repaid 30,000, which was advanced partly out of the King's money, of which Latymer was treasurer.

3d. Licences to export wool elsewhere than to the staple at Calais.

4th. Taking imposts thereon.

1st. Latymer denied the matter in the inquest from Bretaigne called Rageman, but put himself on the King's favour for 10,000 livres, which he had taken for ransom.

2d. He denied the loan.

3d. That the licences were granted not by him alone, but by joint advice of others, to the King's profit.

4th. The imposts were voluntary offers of the merchants.

After much deliberation, private and public, judgement was given, that he was, by his own single counsel, in-default on the loans, and on the licences against the staples, and the imposts, that he should be imprisoned with the Marshal, and make fine and ransom at the King's pleasure:—But he was let to mainprize.

3. Elys, of Yarmouth, was impeached by the Commons, and also by Botild and Coupere, for taking petit customs from vessels driven in by stress of weather, and which did not break bulk (which he denied;) and that he procured the imprisonment of Botild and Coupere (who came to complain to Parliament) by warrant *per mandatum Regis*, obtained on false suggestion. (50 Edw. III.—Rolls Parl. vol. ii. p. 327.)

Whereupon the Lords committed him on the statute, for the false

complaint to the King, and adjudged him to make fine and ransom, and awarded 20l. a-piece to Botild and Coupere.

The Lords sent the demand for petit customs to the King's Bench.

4. Pecchee was impeached by the Commons for suing out an oppressive patent for monopoly of sweet wines, and taking an advance of 13s 4d. on each pipe, whereof 10s. was due by the patent to the King. (50 Edw. III. 1376.—Rolls Parl. vol. ii. p. 328, et seq.)

The Commons therefore prayed that he should account to the King for the 10s. and do justice to the rest.

He pleaded that 3s. 4d. was settled as the proper demand beyond the 10s. by the Mayor and Aldermen of London, which they denied. Whereupon he was adjudged to prison, and to make fine and ransom, and satisfaction to the parties grieved by his extortion.

5. Lord Nevill was impeached by the Commons, among other things, for buying the King's tallies of Lady Ravensholm at discount, and getting entire payment. (50 Edw. III. 1376.—Rolls Parl. vol. ii. p. 328.)

Judgement, that he should make satisfaction to Lady Ravensholm's executors, and be punished, according to the nature of his misdeed, for the rest, by imprisonment, fine, and ransom.

Lord Latymer restored upon objection to the proceedings. (51 Edw. III. 1376.)

Like petitions for the rest disappointed by the breaking up of Parliament.

The Commons prayed, that all who had surrendered the King's castles might be punished according to their deserts. (1 Rich. II. 1377. Rolls Parl. vol. iii. p. 14.)

Sir Richard le Scroop, Steward of the Household, arraigned them before the Lords, who, on the matter, condemned them to death.

The Lords *ex mero motu* brought up Alice Perrers, and commanded the Steward of the Household, Richard le Scroop, to arraign her.

She pleaded Not Guilty; and it was referred to an inquest of the Household, who found her guilty.

The Lords found the ordinance of 50 Edw. III. to be a statute, and ordered her to be banished.

The Commons unanimously impeached William de la Poole, Earl of Suffolk, late Chancellor: (10 Rich. II. 1386.--Rolls Parl. vol. iii. p. 216.)

That, being Chancellor, he purchased lands, &c. to a large amount, contrary to his oath, and without desert, considering the wants of the realm; and that they were extended at under value in deceit of the King.

That he said in Parliament, that the measures recommended by the Nine Lords Committees for the public weal ought to be executed; but they were not, by default of him who was the King's principal officer.

That money granted by the Commons to be laid out in a certain manner was otherwise expended by his default.

That Tydman had forfeited his annuity of 50l. out of the customs of Hull; and it had been discontinued twenty or thirty years; but the Chancellor purchased it, and the King confirmed.

That the High Master of St. Anthony being schismatic, and the profits due to the King were rented by the Chancellor at 20 marks, whereby he gained 1000 marks, and the successor could not obtain livery but by a recognizance, to pay the Chancellor and his son John 100l. per annum for their lives.

That the patent granted to Dover was in disherison of the Crown, subversive of the King's courts and laws.

That 10,000 marks were borrowed by ordinance of Parliament, at the expence of 3,000, for Ghent; but, by the Chancellor's default, the town was lost, and the 3,000 marks.

The Earl said, protesting,

That, as Chancellor, he represented the King, and ought not to answer but in his royal presence.

That he ought to answer by attorney; but the Lords thought it more honourable for him to answer in person.

That the lands were fairly purchased for valuable consideration, when the King gave him the earldom of Suffolk, but the lands had been leased to the Queen and Lady Suffolk; and his Majesty gave him others till those should fall in. This was confirmed in Parliament. That no extents were made while he was Chancellor, but he took them at the highest rating.

That as to executing the measures of the Nine Lords Committees, that relates to other officers and councillors as well as him, who, as he is advised, ought to join the defence.

The same answer to the third article owns, that a subsidy was not expended according to the condition of the grant; and to the seventh, that 3,000 marks, and Ghent, were lost.

That Tydman's annuity was not forfeited, but fairly purchased.

That the King gave the hospital of St. Anthony *in commendam* to him and his son, for the rent of 20 marks; at that time he knew not the value, but found it was 400 marks, which he told the King, who still would give it him, but he prevailed to turn it to free alms.

It being ecclesiastical, he sued for it to the Pope, who gave it his son, on condition that he should be professed. He sued again to the Pope for a dispensation, pending which suit came a provisor, with whom he compounded.

As to, the Dover charter and the rest, more generally mentioned, he followed the warrant; and if they were unlawful, that infers no personal punishment, but only repeal of the charters.

The Commons reply,

By shewing his oath, and the inequality of the bargain against the King.

As he claimed to represent the royal person, and had power over the other officers, he must answer for their default, especially as he promised the execution of the measures in Parliament.

They proved the forfeiture of Tydman.

He as Chancellor ought to have given livery gratis to the provisor.

The Chancellor is answerable for the legality of the patents he issues.

The Earl rejoined;

That his oath bound him only to inform the King truly, after which he was not answerable for his grants to other, or hindered from taking favour himself. But if any will take the bargain of his hands, he agrees to sell as he bought.

It was not as Chancellor, but an amicable adjustment of doubtful claims, between his son and the provisor.

Whereupon the Earl was committed to the Constable of England (and let to mainprize,) for the heinousness of the charge.

I

The judgement of the Lords, with reasons delivered, was,

That the lands and their mesne profits should be seized to the King's use, except the title and 20l. per annum out of the Earldom of Suffolk, and the 400 marks a year which he gave in exchange.

The charter to Tydman repealed.

The 400 marks arising annually from St. Anthony, and the 100l. per annum from the provisor, should be forfeited to the King.

As to the three articles, the measures of the Nine Lords Committees, the keeping of the sea and Ghent, he ought not to be impeached by himself without the others his companions, who were then of the King's Council.

The Dover-patent repealed, and the other patents generally mentioned, if they should be found wrong.

Die Martis, 24° Aprilis 1621, post Meridiem.

The Prince acquainted the House, that the Lord Chancellor (Lord Viscount St. Alban) had sent a submission to their Lordships, which was read, but not being sufficient, the collection of corruptions was read by Mr. Attorney, and sent to the Lord Chancellor, with the causes why his confession was not fully set down.

Report made by the messengers, that his Lordship said he would return the Lords an answer, which not being thought satisfactory, another message was sent to him to know if he would confess or stand on his defence? and an answer was returned, that he would make no defence, but make a particular confession, and after that a submission, and time was given him for that purpose; and a memorandum is made, that a letter from the Lord Chancellor to the Lord Chief Justice was taken no notice of, because not directed to the House, 25th April. The Lord Chief Justice signified to the House, that he had received from the Lord Chancellor a paper roll, sealed up, which was opened, and being found directed to their Lordships, the same was read, containing his confession and submission, and thereupon several Lords were appointed to go and shew it him, and to know whether it was his own hand that was subscribed to it, and whether he would stand to it or not? And their Lordships reported, that he told them, it was his act, his hand, his heart, and beseeched them for mercy; whereupon the Prince was desired to move the King to sequester the Great Seal, 30th April. His Highness reported, that he had moved His Majesty accordingly, who most willingly yielded thereto, saying, he would have done it, if he had not been moved therein, 30th April, *post meridiem.*

Die Mercurii, 2° Maii 1621, post Meridiem.

Agreed, to proceed to sentence the Lord Chancellor to-morrow morning; wherefore the Gentleman Usher and the Serjeant at Arms, attendants on this House, were commanded to go and summon him, the Lord Chancellor, to appear here in person to-morrow morning, by nine of the clock; and the Serjeant was commanded to take his mace with him, and to shew it unto his Lordship at the said summons.

Die Jovis, 3° Maii 1621.

The Gentleman Usher and the Serjeant at Arms attending this House, reported, that (according to the appointment of their Lordships yesterday) they repaired last night unto the Lord Chancellor, whom they found sick in bed; and they signified unto him their Lordships pleasure,

and said they were sent to summon him to appear here, before their Lordships, this morning by nine of the clock: Who answered that he is sick, and protested he feigned not this for an excuse; for if he had been well, he would willingly have come.

The Lords resolved to proceed notwithstanding against the Lord Chancellor; and the King's Attorney having read the charge and confession, it was put to the question, Whether the Lord Chancellor be guilty of the matters wherewith he is charged or no? And it was agreed by all, *nemine dissentiente*, that he was thereof guilty.

And to the end the Lords might the more freely dispute and resolve what sentence to pass upon the Lord Chancellor for his said offences, the Court was adjourned *ad libitum*.

The House being resumed, and the Lord Chief Justice returned to his place, it was put to the question, Whether the Lord Viscount St. Alban (Lord Chancellor) shall be suspended of all his titles of nobility, during his life, or no? And it was agreed *per plures*, that he should not be suspended thereof.—(Journals of the House of Lords, vol. iii. p. 84.)

Die Jovis, 26° Aprilis 1621.

Memorandum. That Mr. Serjeant Crew came to the Clerks table, and opened the offences committed by Sir Francis Mitchell, prisoner in the Tower, and the proofs thereof.

Sir Francis Mitchell being called to the bar, was charged with the said offences; and made his answer unto them particularly.

Die Veneris, 4° Maii 1621.

The offences wherewith Sir Francis Mitchell is charged 26th April 1621, being read, the House was adjourned *ad libitum*.

Mr. Serjeant Crew having opened the charge and the proofs (which were read by the Clerk,) the House was resumed again.

It was put to the question, Whether Sir Francis Mitchell be so guilty of the offences, or any of them, charged upon him, that * is worthy to be censured?

Agreed unto *per omnes*.—(Journals of the House of Lords, vol. iii.)

Die Mercurii, 12° Maii 1624.

The Lord Treasurer † being at the bar, and being admitted to speak in his own defence, his Lordship first repeated the several heads of the matters wherewith he is charged; (videlicet,)

1. Touching the Wardrobe.
2. Touching the two bribes received of the Farmers of the Customs.
3. Compositions of the out-ports for grocery.
4. The officers of the Ordnance.
5. And the Court of Wards.

The Lord Treasurer being withdrawn, and the House adjourned *ad libitum*.

Mr. Attorney General read that part of the charge against the Lord Treasurer which concerned the Wardrobe.

The Lord Treasurer undertook the office of the Wardrobe in the 16th year of the King's Majesty's reign, and continued the service of that place

* Sic in Orig. † Earl of Middlesex.

from Michaelmas anno 16°, unto Michaelmas 19. This office he took upon him, under pretence of doing His Majesty special service; and for that purpose obtained a certain assignment of 20,000l. *per annum*, or thereabouts, which was duly paid unto him by way of imprest.

Instead of doing service, he hath brought that place into disorder and confusion; he hath not duly served the warrants which he should have served; he hath not duly paid the workmen and creditors; he hath neither kept orderly accounts, nor yielded any; but, under colour of pretended service of great importance, hath procured gifts and discharges of great sums of money which he received for the execution of that place, and for the Queen's funeral.

And their Lordships having duly considered of the crimes objected against the Lord Treasurer, for not entering into a book of accompts the warrants and emptions, (as he ought to have done), whereby the settlement and ancient institution of that office is altogether broken, and for not serving the warrants directed unto him for the King's own person, though he was often urged thereunto; nor paying divers of the creditors for such stuff as they served in, although he received 20,000l. per annum, by way of imprest, for the ordinary charge only of that office, which a far less sum would have fully defrayed; and for that he had not performed that good service, which he pretended, unto His Majesty; but, under pretence thereof, had procured unto himself great and large gifts from His Majesty, and a pardon of divers great sums of money.

And the King's Counsel having satisfied their Lordships, that the said pardon to the Lord Treasurer did not pardon his Lordship's not accompting,

The House was resumed, and put to the question:

1. Whether the Lord Treasurer, for his carriage in the office of the Wardrobe, be censurable or no?

And generally agreed unto by all (*nemine dissentiente*) to be censured.

Die Mercurii, 12° Maii, 1624, post Meridiem.

The House is adjourned *ad libitum*.

Mr. Attorney read that part of the charge against the Lord Treasurer, which concerned the taking of 500l. of the farmers of the wines and currants for a bribe; and of 500l. of the farmers of the great farm of customs for a bribe; and for exacting of 100l. of the said farmers of wine and currants.

And their Lordships took into their consideration the Lord Treasurer's answer unto the said two bribes.

All which being fully discussed, the House was resumed; and it was put to the question:

Whether upon this whole charge, the Lord Treasurer be censurable or no?

And agreed generally to be censured.

The House being again adjourned *ad libitum*, Mr. Attorney General read that part of the charge against the Lord Treasurer, which concerned his Lordship's procuring of George Herriott to surrender his lease of the farm of sugars, which he held upon a rent of 10,000 marks per annum to the King, and for procuring a new lease thereof immediately unto two of his Lordship's servants (to his own use) at 2000l. per annum; and for denying the merchants, upon their exportation of sugars, the imposts paid therefore upon the importation, as his Lordship ought to have done,

by the directions of His Majesty's letters patent of 5° *Dec. anno* 8° *Jacobi.*

Upon reading whereof, the Lord Keeper signified unto their Lordships that he had received a message from the King, touching this charge; videlicet, That His Majesty did freely give unto the Lord Treasurer 4000l. per annum, out of the said lease of sugars, the same to begin presently after the date thereof.

Their Lordships taking into their consideration that this was the King's free gift, they did not think it fit to censure the Lord Treasurer for the same, although his Lordship had unduly informed His Majesty of good services done in the office of the Wardrobe, (which his Lordship performed not) for which this lease of sugars was given him; neither did his Lordship inform his Majesty (for ought appears) that a debt of 7000l. was installed upon that lease, the which his Lordship transferred to the farm of tobacco.

And as touching the denial of the impost unto the merchants upon the exportation of sugars, for that his Lordship affirms that the under farmers of the said sugars from him are liable to the re-payment of the said impost (if any be due), their Lordships did not think it fit to censure the Lord Treasurer for the same.

And the House being resumed, it was put to the question, Whether the Lord Treasurer shall be free from any censure in this particular charge or no?

And generally agreed to be freed.

The House was again adjourned *ad libitum*: And Mr. Attorney General read that part of the charge against the Lord Treasurer, which concerns the composition for grocery ware in the city of Bristol, which city had refused to yield unto any composition for the same; and yet the Lord Treasurer had given warrant to levy the same against their wills, and to stay the entering of their goods until the same were paid accordingly.

And for that it appeared that the Lord Treasurer Dorsett's letter, dated before for levying the said composition, agreed with the letter written by this Lord Treasurer, and for that divers* of Bristol had paid the like composition, and for that it did not appear that the Lord Treasurer did thereby seek any benefit to himself, their Lordships did not think him fit to be censured for the same.

Wherefore the House being resumed, it was put to the question,—Whether the Lord Treasurer shall be free of censure in this charge of grocery or no?

And agreed to be freed.

The House being adjourned *ad libitum* again, Mr. Attorney General read another part of the Lord Treasurer's charge, videlicet, That his Lordship, for these two years and a half, (since he was Lord Treasurer) hath not observed the two proportions or establishments for the ordinary and supply of the Office of the Ordnance, neither that which was settled for the supply thereof by Privy Seal, *anno sexto Jacobi*, for the ordinary of that service, nor that in *anno* 1620, set down by his Lordship and the other Commissioners of the Navy, for the present supply thereof, whereby the stores are in effect wholly unfurnished; and that his Lordship, since he was Lord Treasurer, neglected, and kept not the contract made

* Sic. in orig.

by himself and other Commissioners with Mr. Evelyn for gunpowder, to the hazard of the kingdoms, and prejudice of the King; and that he made unlawful bargains for the lands of Sir Roger Dalison, contracting to procure payment of old arrears of debt, which he performed when he became Treasurer; and to procure the making of Baronets; and a suit to the King for compounding with His Majesty's copy-holders of Wakefield, which he valued at 2000l., and for using indirect means, and the power and countenance of his place, to wrest Sir Richard Smith and Sir John Devye out of a lease which Sir Roger Dalison had passed unto them.

And their Lordships having fully discussed the great neglect of the Lord Treasurer to issue the King's money for the furnishing of the King's store of munitions with armour and powder, and that yet he paid the arrear of debts to that office for his own particular profit, upon a contract with the said officers; and having considered his Lordship's great misdemeanors in the bargains for the said lands of Sir Roger Dalison, extended for that debt, and his Lordship propounding, for part of payment thereof, the making of Baronets, and a suit for the compounding of His Majesty's copy-holders of Wakefield, and his Lordship's answer unto this, videlicet, That he preferred this suit unto the King in pity of Sir Thomas Mounson's estate, (a man heretofore of good account in his country, and now decayed) which their Lordships thought it most sordid for a Lord Treasurer to make use of for his own benefit; and it appearing unto their Lordships that the said Lord Treasurer had set on foot an old outlawry upon a debt long since paid by the said Sir Roger Dalison, and that his Lordship, upon pretence of a debt to the King where there was none, procured a revocation of letters of administration granted of Sir Roger Dalison's goods, and had written his letter unto the Judges of the Common Pleas, for the countenancing of this indirect course to wrest the said lease from the said Sir Richard Smith and Sir John Devye, formerly granted unto them by the said Sir Roger Dalison: All these being fully debated, the House was resumed, and it was put to the question,

Whether the Lord Treasurer be worthy of a censure, in regard of this whole charge, both for the three bargains, and for not supplying the Office of the Ordnance?

And generally agreed unto by all to be censured.

The House was again adjourned *ad libitum*; and Mr. Attorney read the rest of the charge against the Lord Treasurer, videlicet, That the Lord Treasurer being Master of the Wards, did, in *anno Domini* 1622, cause the instructions set forth by His Majesty in *anno* 1618, for the well ordering of the Court of Wards, to be altered against the will of the officers, by the misinformation of His Majesty, whereby he hath taken the petitions from the Clerk of that Court, and appropriated them unto himself and his Secretary; and that his Lordship having to himself concealed wardships, he may easily make wardships concealed by the course of the said new instructions; and that his Lordship hath doubled the fees for continuances of liveries, and made a stamp, and delivered the same to his Secretary, who hath stamped therewith, in the absence of the master, tenders, continuances, warrants to the Great Seal, grants of wardships and leases, indentures of liveries, &c.

And their Lordships considering that it was not proved by the examination of witnesses, that the Secretary was appointed to take any fees for the said petitions, either for himself or for the Lord Treasurer; nor

that the Lord Treasurer had made any benefit to himself of concealed wards, by virtue of the said new instructions; therefore their Lordships thought his Lordship not censurable for those two points of this charge; but as touching the doubling of fees of continuances of liveries, they thought his Lordship worthy to be censured, both in respect of the grievance of the subject, and of his Lordship's answer unto the same, videlicet, It is the King's grace to the people, let them pay for it: And for that he delivered a stamp unto his Secretary, whereby he committed the great trust reposed in him by His Majesty, unto his servant, not deigning to sign the petitions, liveries, and warrants to the Great Seal, with his own name, their Lordships thought him worthy to be highly censured for the same.

And therefore the House being resumed, the question was put,

Whether the Lord Treasurer deserves a censure upon the whole charge or no?

And agreed unto by all (*nemine dissentiente*) to be censured for the same.

Die Jovis, 13° Maii, 1624.

Ordered, That the Gentleman Usher and the Serjeant at Arms, attendants on this House, do summon the Earl of Midd.* Lord Treasurer of England, to appear presently before their Lordships.

This was signed by the Lord Keeper, and delivered to the Gentleman Usher.

The House being adjourned *ad libitum*; the Clerk read the heads of the six charges against the Lord Treasurer, and the six several votes of the House which were yesterday passed upon the same.

And the Lords having deliberately considered upon the proofs of bribery, extortions, oppressions, wrongs, and deceits, objected against the Lord Treasurer, their Lordships found the same to be most apparently proved; and also having considered his Lordship's allegations, a censure against him was drawn up, and notice sent to the Commons, that the Lords were ready to give judgement; who, being come, the same was pronounced accordingly.—(Journals of the House of Lords, vol. iii.)

Die Mercurii, 11° Junii, 1628.

Roger Manwaringe, Doctor in Divinity, being this day brought to the bar, the declaration of the Commons against him was read.

And then Mr. Serjeant Crew and Mr. Attorney General did charge him with the offences contained in the said declaration, and opened the proofs of the said offences out of the several places of his two sermons, which he preached before the King's Majesty in July last; and they the said Mr. Serjeant Crewe and Mr. Attorney General did further charge the said Roger Manwaringe for preaching a third sermon, 4° Maii last, during the Parliament, in his own parish church of St. Giles in the Fields; wherein he delivered three articles to this effect, videlicet, &c.

Die Veneris, 13° Junii, 1628.

Dr. Manwaringe being this day brought to the bar before the Lords, and admitted to speak for himself unto the charge of the Commons against him, answered in effect as followeth, &c.

The prisoner being withdrawn, the Lords considered of their censure against him.

* Sic. in orig.

Die Sabbati, 14° Junii, 1628.

Message to the Commons, That the Lords are ready to proceed to judgement against Dr. Manwaringe, if they, with their Speaker, will come to demand the same, &c.

Judgement given; and then the Commons departed, and Dr. Manwaringe was sent prisoner to the Fleet.—(Journals of the House of Lords, vol. iii.)

Die Mercurii, 25° Januarii, 1709.

The House being informed, that Dr. Sacheverell was at the door, he was called in, and kneeling at the bar, delivered his answer to the articles of impeachment against him.

A message was sent to the House of Commons, [illegible] them that Dr. Henry Sacheverell hath put in his answer to [illegible] of impeachment sent from their House against him, which their Lordships communicated to them; and desire that the said original answer may be returned with convenient speed.

Die Veneris, 3° Februarii 1709.

A message was brought from the House of Commons, to return Dr. Sacheverell's answer to the impeachment against him; together with the replication of the Commons to the said answer.

It is ordered by the Lords Spiritual and Temporal in Parliament assembled, That Henry Sacheverell, Doctor in Divinity, shall be tried at the bar of this House on Thursday next, being the 9th instant, at eleven o'clock in the forenoon.

Die Martis, 14° Martii 1709.

The Duke of Bolton reported from the Lords Committees appointed to search and inspect precedents of impeachments concerning crimes and misdemeanors; and report such of them as they think proper to be laid before the House, in relation to Dr. Sacheverell's impeachment.

The abstracts of which impeachments were read, as also some of the impeachments at large, out of the journals.

After which, and debate thereupon, several proposals being made;

And a debate arising, Whether a question should be stated?

It was proposed to adjourn the House.

Then the question was put,

Whether this House shall be now adjourned?

It was resolved in the negative.

The question was put, That, by the law and [illegible] prosecutions by impeachments for high crimes [illegible] writing or speaking, the particular words [illegible] necessary to be expressly specified in such [illegible]?

It was resolved in the affirmative. [illegible]

It is resolved by the Lords Spiritual and Temporal, in Parliament assembled, That, by the law and usage of Parliament, in prosecutions by impeachments for high crimes and misdemeanors, by writing or [illegible] the particular words supposed to be criminal are not necessary to be expressly specified in such impeachments.

It is ordered by the Lords Spiritual and Temporal, in Parliament assembled, That, on Thursday next, at eleven o'clock, this House [illegible] proceed upon the impeachment of Henry Sacheverell, Doctor in Divinity, article by article.

Die Jovis, 16° Martii, 1709.

Then the order of the 14th inftant being read, for taking into confideration the impeachment of Dr. Henry Sacheverell, article by article.

And it being moved to declare, That the Commons had made good the firft article againft Dr. Sacheverell:

After long debate thereupon,

This queftion was propofed, That the Commons have made good their firft article of impeachment againft Henry Sacheverell, Doctor in Divinity.

And, after farther debate thereupon,

This queftion [illegible], Whether this queftion fhall be now put?

It was refolved [illegible] affirmative.

Diffentient.

Then the main queftion was put, That the Commons have made good their firft article of impeachment againft Henry Sacheverell, Doctor in Divinity?

It was refolved in the affirmative.

Diffentient.

It is refolved by the Lords Spiritual and Temporal, in Parliament affembled, That the Commons have made good their firft article of impeachment againft Henry Sacheverell, Doctor in Divinity.

It is ordered by the Lords Spiritual and Temporal in Parliament affembled, That this Houfe fhall to morrow, at eleven o'clock, proceed upon the fecond article of impeachment againft Henry Sacheverell, Doctor in Divinity.

Die Veneris, 17° Martii, 1709.

The Houfe (purfuant to the order yefterday) took into confideration the fecond article of the Commons' impeachment againft Henry Sacheverell, Doctor in Divinity.

And after debate thereupon,

This queftion was put,

That the Commons have made good the fecond article of their impeachment againft Henry Sacheverell, Doctor in Divinity?

It was refolved in the affirmative.

Diffentient.

Then the like queftion was put, feverally, upon the third and fourth [illegible] the affirmative; and diffent.

[illegible] Spiritual and Temporal in Parliament af[illegible] have made good the fecond, third, and fourth [illegible] of their [illegible] againft Henry Sacheverell, Doctor in Divinity.

[illegible] propofed, That this queftion be afked every Lord in Weftminfter Hall, (videlicet)

That the Commons having made good the feveral articles of impeachment againft Henry Sacheverell, Doctor in Divinity, the faid Dr. Henry Sacheverell is guilty of high crimes and mifde-[illegible]

It is ordered, That the farther consideration of the debate upon the proposed question shall be adjourned to to-morrow, at eleven o'clock.

Die Sabbati, 18° Martii, 1709.

Then the question proposed yesterday to be asked every Lord in Westminster Hall, was read, (videlicet)

That the Commons having made good the several articles of the impeachment against Henry Sacheverell, Doctor in Divinity, the said Dr. Henry Sacheverell is guilty of high crimes and misdemeanors?

The order being also read for resuming the adjourned debate thereupon,

It was moved, and (after debate) agreed, to leave out the first part of the proposed question, (videlicet)

That the Commons having made good the several articles of the impeachment against Henry Sacheverell, Doctor in Divinity.

It is ordered, by the Lords Spiritual and Temporal, in Parliament assembled, That the question to be put to each Lord in the Hall, beginning at the junior Baron first, shall be,

Is Dr. Henry Sacheverell guilty of high crimes and misdemeanors, charged upon him by the impeachment of the House of Commons?

Then it being proposed to consider what answer each Lord shall give,
And debate thereupon,
This question was proposed,

Whether the answer to be given by each Lord shall be, Guilty or not Guilty (only)?

Then the question was put,
Whether the word (only) shall stand part of the question?
It was resolved in the affirmative.

Then the question was put,
Whether the answer to be given by each Lord to the question to be put in Westminster Hall, shall be Guilty or Not Guilty (only)?
It was resolved in the affirmative.

It is ordered, by the Lords Spiritual and Temporal, in Parliament assembled, That the question to be put to each Lord in Westminster Hall, shall be,

Is Henry Sacheverell, Doctor in Divinity, guilty of high [illegible] and misdemeanors, charged on him by the impeachment [illegible] House of Commons? And the answer [illegible] shall be [illegible] or Not Guilty only.

Dissentient.

Die Lunæ, 20° Martii 1709.

The House, pursuant to the order of Saturday last, [illegible] Westminster Hall:

And being there, the House was resumed:

And the Lord Chancellor declared, That the Lords [illegible] a question to be put to each Lord, severally.

Then his Lordship put the question, beginning at the junior Baron first, as follows:

Is Dr. Henry Sacheverell guilty of high crimes and misdemeanors, charged upon him by the impeachment of the House of Commons?

And having asked every Lord present; and they having declared Guilty, or Not guilty:

His Lordship having cast up the votes, declared him Guilty.

Dissentient.

Then the Lord Chancellor commanded that Dr. Sacheverell should come to the bar; who coming accordingly, kneeled until he was bid to stand up.

Then his Lordship declared to him, That the Lords had fully considered of this case, and had found him guilty of high crimes and misdemeanors, charged on him by the impeachment of the House of Commons.

Then Dr. Sacheverell desired that his Counsel might be heard as to the matter of law to these two points:

1st, That no entire clause, sentence, or expression, contained in either of his two Sermons, or Dedications, is particularly set forth in his impeachment. And,

2dly. That the impeachment is by the Knights, Citizens, and Burgesses, Commissioners of Shires and Boroughs, in the name of themselves, and of all the Commons of Great Britain; but the articles only by the Knights, Citizens, and Burgesses, in the name of themselves, and of all the Commons of Great Britain; which is neither agreeable to the impeachment, nor to the title of the House of Commons since the happy Union.

Then the House adjourned to the House above.

And the Lords being returned,

The House was resumed;

And the act made in the sixth year of her present Majesty, for rendering the Union of the two kingdoms more entire and complete, being read, and consideration had of what was offered by Dr. Sacheverell,

It is ordered, That to-morrow, at eleven o'clock, this House will take into consideration what censure to pass upon the said Dr. Henry Sacheverell.

Die Martis, 21° Martii 1709.

Then the House (pursuant to the order yesterday) took into consideration what censure [illegible] Henry Sacheverell, Doctor in Divinity. [illegible] is being [illegible]:

1. That Dr. Henry [illegible] be enjoined not to preach during the term of [illegible] years.

[illegible] That [illegible] term of years, to be made incapable of receiving [illegible] other [illegible] benefice than what he now enjoys.

[illegible] in the Tower for three months, and until [illegible] behaviour during the term of seven years, [illegible] sufficient sureties.

[illegible] be burnt by the hangman, at the exchange, in [illegible] Lord Mayor and Sheriffs.

Then the House took the proposed censure into consideration, paragraph by paragraph.

And after debate upon the first paragraph,

It was agreed to leave out the word (seven.)

And it being proposed instead thereof to insert the word (three?)

The question was put, Whether the blank in the first paragraph shall be filled up with the word (three?)

It was resolved in the affirmative.

Then this question was put, That Dr. Henry Sacheverell shall be enjoined not to preach during the term of three years?

It was resolved in the affirmative.

—Then the second paragraph proposed was, That Dr. Henry Sacheverell be made incapable of receiving any ecclesiastical benefice for the space of three years.

And after debate thereupon,

This question was put, That Dr. Henry Sacheverell be made incapable of receiving any farther ecclesiastical benefice during the said term of three years?

It was resolved in the negative.

Then the third paragraph proposed, That Dr. Henry Sacheverell shall be imprisoned in the Tower for three months, and until he find sureties for his good behaviour.

This was not insisted on.

Then the fourth paragraph proposed was, That Dr. Sacheverell's two sermons be burnt by the hangman at the Exchange, in the presence of the Lord Mayor and Sheriffs.

And after farther debate,

This question was put, That the two printed sermons of Dr. Sacheverell, referred to by the impeachment of the House of Commons, shall be burnt before the Royal Exchange by the hands of the hangman, in the presence of the Lord Mayor of London, and the two Sheriffs of London and Middlesex,

It was resolved in the affirmative.—(Journals of the House of Lords, vol. xix.)

Die Mercurii, 28° Aprilis 1725.

Ordered, That the articles of impeachment for high crimes and misdemeanors, exhibited by the House of Commons against Thomas Earl of Macclesfield; and the answer of the said Earl, together with the replication of the House of Commons to the said answer, be forthwith printed, for the benefit and conveniency of the Lords of this House only, and delivered to the Clerk assistant only for that purpose.

Die Lunæ, 24° Martii 1725.

The order being read for taking into farther consideration the impeachment of the Earl of Macclesfield,

It was proposed to resolve, That the Commons have made good their charge of high crimes and misdemeanors against the said Earl,

And a question being stated upon the said proposition,

The previous question was put, Whether that question shall be now put?

Resolved in the affirmative.

Then the main question was put,

That the Commons have made good their charge of high crimes and misdemeanors against Thomas Earl of Macclesfield?

It was resolved in the affirmative.

After which

It was agreed, That the question to be put to each Lord severally, beginning with the junior Baron, shall be,

Is Thomas Earl of Macclesfield guilty of high crimes and misdemeanors, charged on him by the impeachment of the House of Commons, or not guilty?

And every Lord present shall declare his opinion, guilty or not guilty, upon his honour, laying his right hand upon his breast.

Ordered, that this House will proceed farther on the impeachment against Thomas Earl of Macclesfield, to-morrow at twelve o'clock.

Die Martis, 25° Maii 1725.

A message was sent to the House of Commons, to acquaint them, that the Lords are ready to proceed farther upon the impeachment against the Earl of Macclesfield.

And the Managers being come, and seated as before,

The usual proclamation was made for silence.

After which the Speaker put the question agreed on yesterday, to all the Lords present, beginning with the junior Baron; (videlicet,)

Is Thomas Earl of Macclesfield guilty of high crimes and misdemeanors, charged upon him by the impeachment of the House of Commons, or not guilty?

And their Lordships, severally, declaring their opinion that he was guilty:

The Speaker declared the House had unanimously found the said Earl guilty of high crimes and misdemeanors, charged upon him by the impeachment of the House of Commons.

Then the Managers were directed to withdraw.

And the House was adjourned, during pleasure, to unrobe.

The House was resumed.

The Duke of Devonshire, Lord President, signified to the House, That last night he received a letter from the Earl of Macclesfield, mentioning that he was ill of the stone: And his Grace also acquainted their Lordships, he was this day informed, by one of the said Earl's solicitors, that his Lordship still continued ill.

Ordered, That this House will proceed farther upon the impeachment against Thomas Earl of Macclesfield, to-morrow, at ten o'clock in the forenoon.

And a message was sent to the House of Commons, to acquaint them therewith.

Ordered, That the said Earl do attend at the bar of this House to-morrow, at ten o'clock in the forenoon; and that the Gentleman Usher of the Black Rod, and the Serjeant at Arms attending this House, do serve him with the said order; and that the said Serjeant do take his mace with him, to shew it his Lordship at the said summons.

Ordered, That the Lords be summoned to attend in their robes to-morrow.

Die Mercurii, 26° Maii 1725.

The Gentleman Usher of the Black Rod gave the House an account, that he and the Serjeant at Arms had served their Lordships order on the Earl of Macclesfield, for his attendance this day; and that his Lordship was attending pursuant thereunto.

The order of the day being read for proceeding farther upon the impeachment of the Earl of Macclesfield,

A message was sent to the House of Commons, to acquaint them that their Lordships are ready to proceed farther upon the impeachment against the said Earl.

And the managers being come,

The usual proclamation was made for silence.

Then the Gentleman Usher was directed to call in the Earl of Macclesfield.

Who being come to the bar,

The Speaker acquainted him, That the Lords had fully considered of his case, and had unanimously found him guilty of high crimes and misdemeanors charged upon him by the impeachment of the House of Commons.

Whereupon the said Earl mentioned some circumstances in mitigation of the crimes of which he had been accused; but was interrupted by the managers for the Commons, as being irregular, his Lordship, in what he said, not offering any thing in arrest of judgement.

Then the said Earl acquainted the House with the uneasiness he was at present under in regard of his illness; and submitting himself to their Lordships justice and mercy, begged to be dismissed any farther attendance at this time.

Upon which the said Earl, as also the managers, were directed to withdraw.

The House was adjourned during pleasure for the Lords to put off their robes.

Ordered, That the conveniences prepared for the managers for the Commons, for their better accommodation in prosecuting their impeachment, be forthwith taken away, and that the Lord Great Chamberlain be desired to cause the same to be done accordingly.

Ordered, That Thomas Earl of Macclesfield be committed to the custody of the Gentleman Usher of the Black Rod.

Ordered, That this House will now proceed to the consideration of what judgement to give upon the impeachment against the said Earl:

And it being proposed, That the said Earl be fined in the sum of 30,000l. to the King's Majesty:

After debate, and reading the judgments of this House, in the cases both of the Viscount St. Albans* and the Earl of Middlesex:

It was proposed to ask the opinion of the Judges, Whether the sale of an office that hath relation to the administration of justice, be an offence against the common law?

And a question being stated upon the said proposition;

The previous question was put, Whether the question shall be now put?

It was resolved in the negative.

* Sic. in orig.

Then it being moved to resolve, That Thomas Earl of Macclesfield be fined:

The question was put thereupon;

It was resolved in the affirmative.

After which,

It was moved to resolve, That Thomas Earl of Macclesfield shall be for ever incapable of any office, place, or employment, in the state or commonwealth:

And debate thereupon:

The question was put, Whether the said Earl shall be for ever incapable of any office, place, or employment, in the state or commonwealth?

It was resolved in the negative.

Ordered, That the fine the said Earl shall pay to the King be 30,000l.

Ordered, That the said Earl be committed prisoner to the Tower of London, and be there continued in safe custody until he shall have paid the said fine.

Ordered, That this House will proceed farther on the impeachment against Thomas Earl of Macclesfield to-morrow, at ten o'clock in the forenoon.

Ordered, That the Lords be summoned to attend in their robes to-morrow.

Ordered, That the Gentleman Usher of the Black Rod do bring Thomas Earl of Macclesfield to the bar of this House to-morrow, at ten o'clock in the forenoon.

Die Jovis, 27° Maii 1725.

A message was sent to the House of Commons, to acquaint them, That the Lords are ready to give judgement against Thomas Earl of Macclesfield, if they, with their Speaker, will come and demand the same.

A message was brought from the House of Commons, to acquaint this House, that the Commons, with their Speaker, do intend immediately to come to demand judgement against Thomas Earl of Macclesfield; and to desire that the Painted Chamber, and other passages to this House, may be cleared.

Ordered, That the Painted Chamber and passages be cleared forthwith.

And the Messengers were called in, and told that the Lords had given orders, as desired:

And the officers attending this House were commanded to clear the Painted Chamber and passages accordingly:

The Speaker of the House of Commons, attended by the Serjeant at arms belonging to that House, came to the bar;

When the Lord Chief Justice, Speaker of this House, directed the Gentleman Usher of the Black Rod to bring thither the Earl of Macclesfield; who, after low obeisances made, kneeled until the said Lord Chief Justice acquainted him he might rise.

Then the Speaker of the House of Commons spake as follows:

My Lords,

The Knights, Citizens, and Burgesses, in Parliament assembled, in the name of themselves and of all the Commons of Great Britain, did, at this bar, impeach Thomas Earl of Macclesfield of high crimes and

misdemeanors, and did exhibit articles of impeachment against him; and have made good their charge.

I do therefore, in the name of the Knights, Citizens, and Burgesses, in Parliament assembled, and of all the Commons of Great Britain, demand judgement of your Lordships, against Thomas Earl of Macclesfield, for the said high crimes and misdemeanors.

After which, the Speaker of this House said,

Mr. Speaker,

The Lords are now ready to proceed to judgement in the case by you mentioned.

Thomas Earl of Macclesfield,

The Lords have unanimously found you guilty of high crimes and misdemeanors charged on you by the impeachment of the House of Commons; so that their Lordships find themselves obliged to proceed to judgement against you; which I am ordered to pronounce:

Therefore this High Court doth adjudge, That you, Thomas Earl of Macclesfield, be fined in the sum of 30,000l. unto our Sovereign Lord the King; and that you shall be imprisoned in the Tower of London, and there kept in safe custody until you shall pay the said fine.

Which done, the Speaker, with the Commons, withdrew.

And the said Earl of Macclesfield was taken from the bar.

Ordered, That the said Earl of Macclesfield be committed to the Tower of London, there to be kept in safe custody until he shall pay the above-mentioned fine of 30,000l. to the King; and that the Gentleman Usher of the Black Rod, in whose custody the said Earl at present is, do him safely convey to the said Tower, and deliver him to the Constable thereof, or, in his absence, to the Lieutenant, or Deputy Lieutenant of the same; and that the said Constable, Lieutenant, or Deputy Lieutenant, do receive the body of the said Earl, and him keep in safe custody there, until he shall have paid the said fine.—(Journals of the House of Lords, vol. xxii.)

Thursday, 23d April.

When their Lordships returned from Westminster Hall, they went into a Committee upon the Hair-powder bill.

Upon the clause being read which subjects masters of families to a penalty of 20l. for not giving in a correct list of their servants who wear powder,

The Duke of NORFOLK objected to this clause, which he conceived extremely oppressive in its tendency and at the same time by no means necessary to the collection of the tax. He conceived it highly adding to the dislike which people always have to taxes by introducing clauses unnecessarily severe—He said, that by this clause the master of a family was driven either to make a false return, and

thereby affix his name to a falsehood, and subject himself to a penalty of 20l. or else he must turn informer against his own servants, which appeared to his Grace a very unnecessary hardship. He had no objection to the principle of the bill; on the contrary, he approved of it; but he could not give his assent to it if this clause was not expunged. He then moved that the clause be left out.

The LORD CHANCELLOR observed, that if this clause were omitted, it would materially affect the bill. He believed there were no class of people who came more properly under the bill, than those servants who, either to gratify their master's vanity or their own, wore powder; but if this clause were rejected, the tax would be almost nugatory with respect to them. If persons of fortune deemed it necessary to the splendour of equipage that their servants should wear powder, it was perfectly fair that they should bear the expence, and should be obliged to give in lists of those whom they chose to be so ornamented. He was sorry to see any opposition to a tax which he believed to be extremely popular; and he thought it would not make a favourable impression upon the public mind when they knew that that part of the bill was opposed in the House of Lords, which was supposed to attach more peculiarly upon persons in the higher situations of life.

The Earl of GUILDFORD contended, that a master might be made answerable for his servants wearing powder, though it might be without his knowledge.

The LORD CHANCELLOR replied, that in order to recover the penalty upon the master, it was necessary to prove that he knew of his servants wearing powder without having a certificate. His Lordship also observed, that if any alteration were made in the bill, it would certainly cause it to be rejected in another place, which ought to induce their Lordships not to make alterations unless they were absolutely necessary.

Lord SYDNEY spoke in favour of the tax, which he conceived to be very popular, and likely to be very productive from the number of persons wearing powder. He thought that hair powder, as being an article of luxury, constituted a most proper object of taxation, and that the sum, as fixed by the regulation, could not be felt oppressively by any branch of the community.

The Earl of MOIRA disapproved not only of the clause in question but of the bill, as it tended to create invidious distinctions, which he conceived very improper in the present state of society. The noble Lord who spoke last approved of the tax because powder was very generally used. Upon the same principle, the noble Lord might

next year propose a tax upon breeches, which must prove a very productive tax, as they were in such general use.

Lord HARDWICKE and Lord AUCKLAND each said a few words; after which the House divided,

For the clause 11; Against it 6. Majority 5.

The bill then went through the Committee, and was reported.

Lord MULGRAVE said, he thought the exemptions in the bill extremely proper; but there was a body of men, whose situation claimed equal indulgence; he meant half-pay officers. Having spoken with much feeling and ability upon the hardships which that deserving body of men laboured under, his Lordship gave notice, that he should, on the third reading of the bill, propose a clause to exempt half-pay officers from the tax.

The Earl of MOIRA expressed his approbation of the proposition of the noble Lord. He thought that half-pay officers should be exempted upon the same principle as clergymen with small benefices: the sum allowed for their support was scarcely sufficient for the common purposes of subsistence, even in the most obscure quarters of the country.

The bill was ordered to be read a third time to-morrow, and the Lords to be summoned.

Friday, 24th April.

Earl FITZWILLIAM rose, and said, before their Lordships proceeded to the order of the day, he would beg leave to request their attention to a few words he wished to submit to their Lordships' consideration, respecting some circumstances in which he felt himself peculiarly interested. He had lately had the honour to fill the highest station which a subject could possess, in a neighbouring kingdom, no less than the representative of His Majesty.—In a very short space of time after his being appointed to that high and important office, in the middle of the most critical session of Parliament that perhaps was ever known in that country, he had been recalled from his station, and another person appointed to succeed him. The fact itself, he said, of his being thus suddenly recalled from the Government of that country, at such a period, conveyed, upon the face of it, a charge of great blame, nay, he thought great criminality also. This was not only his individual opinion, but was the opinion of the Public, indeed of every man in both kingdoms. But this was not all; it had been asserted in that House, and not only in that, but in the other House of Parliament also by His Majesty's Ministers, that whatever might be the consequences of what had passed in Ireland, no degree of blame whatever could possibly

attach to His Majeſty's ſervants on this ſide of the water. This was certainly implying that all the blame, to whatever extent it might go, reſted entirely with him. Standing then as he did in ſo peculiar a predicament, it muſt appear clear to their Lordſhips, that an inveſtigation into his conduct during the whole of this important buſineſs, muſt not only be extremely deſirable to his feelings, but was in itſelf of ſuch immenſe magnitude, from the very intereſting conſequences which might follow from it, that it demanded from the juſtice and dignity of that Houſe, as guardians of the public good, that the minuteſt inquiry ſhould take place, in order to fix where the blame or criminality really lay, and who were the perſons that adviſed His Majeſty to adopt ſuch a meaſure as that alluded to, in the peculiar circumſtances the country over which he preſided was then known to be placed. Great blame, and great criminality, it was allowed on all hands, exiſted ſomewhere, in regard to this tranſaction. It had pleaſed His Majeſty's Miniſters, during his abſence, by their public declarations, to throw all the blame from their own ſhoulders, and to endeavour, by ſo doing, to fix the load on his. He was happy in being now preſent, to declare to their Lordſhips, that he felt well aſſured he could, whenever an opportunity was given to him, entirely exculpate himſelf from every ſhadow of blame which had been imputed to him; and to court this opportunity as ſpeedily as poſſible was the firſt wiſh of his heart, and the only reaſon for taking up the attention of their Lordſhips at that moment. As Miniſters had thought proper in his abſence to impute blame to him for his conduct during his ſhort ſtay in a neighbouring kingdom, he hoped they would, now that he was preſent, and able to defend himſelf, do him the juſtice to bring forward the charges which they had to make againſt him, by an immediate inveſtigation of his conduct; and he truſted ſo far to their candour, that he would leave it them to fix the day, which he hoped would be as early a one as poſſible, when they would enter upon that inveſtigation.

Lord GRENVILLE ſaid, that he felt the greateſt uneaſineſs, and the deepeſt concern at hearing the noble Lord expreſs himſelf in the manner and in the terms he had done, in ſeeking the inveſtigation which he had requeſted might be made into his conduct, and into the [illegible] of his removal from the high ſtation he lately poſſeſſed. For his own part, it did not ſtrike him that the mere fact of a nobleman being removed from being Lord Lieutenant of Ireland, conveyed in itſelf, either directly or by implication, any certain degree of blame either on the perſon ſo recalled, or on thoſe who adviſed His Majeſty to the meaſure. As to what Miniſters had ſaid on the ſubject of blame in that Houſe, for he certainly ſhould not

take upon him to allude to any thing that had paſſed in the other, he could only ſay, that when blame had been imputed to them by others, they had only endeavoured ſo to expreſs themſelves, as to repel the charge ſo far as it related to them. They made no charge of blame againſt the noble Lord, and therefore he ſaw no reaſon why they ſhould thus be called upon to name a day for any inveſtigation to take place upon the buſineſs. He ſaw no neceſſity for ſuch inveſtigation; but if the noble Lord ſhould unfortunately perſiſt in calling for ſuch a meaſure, it was in the power of the noble Lord to bring the matter forward, and to name the day himſelf.

Earl FITZWILLIAM ſaid, that the noble Lord aſtoniſhed him, by conveying an idea that no inveſtigation of this buſineſs was neceſſary. It was ſurpriſing that any noble Lord ſhould conſider it as a matter of indifference, whether an inquiry ſhould take place into the affair he had alluded to, when it was well known that it took place in the midſt of the moſt ſerious, arduous, and critical ſeſſion that was, perhaps, ever known in Parliament, when every point that related to the eſtabliſhment of order and tranquillity was to be conſidered. When, in that ſituation of things, a Viceroy was appointed, and ſuddenly removed, Miniſters muſt have had ſome great cauſe for what they did. They could not, for a trivial reaſon, have removed him, nor could they now refuſe to aſſign their reaſons. Could they make themſelves believe, or did they think they would be able to make the Public believe, that it was a matter of ſlight importance? If it was not a matter of ſlight importance, it ought to be inveſtigated. Miniſters had laid a charge againſt him, as the Governor of Ireland, by the manner in which they had recalled him. This they ſurely could not have done, without being ready to lay the moſt heavy charges againſt him, and being able to impute to, and to fix upon, him, the greateſt of all poſſible blame. He was ſure their Lordſhips would ſee the matter in that light. Knowing that he had been charged here with having committed crimes that went to the overthrow of all government in Ireland; knowing that Miniſters had, as it were, filed a bill of indictment againſt him upon that charge; knowing he had a right to call on Miniſters to make good that charge, knowing that Miniſters ought to explain themſelves to that Houſe and to the Public at large; he now requeſted that a day might be appointed for theſe purpoſes, and he deſired that Miniſters would not ſhrink from the inveſtigation, but come forward in a manly manner, and name a day for the diſcuſſion.

The Earl of MOIRA admitted that in ordinary caſes Miniſters were not bound to come forward to aſſign reaſons for the diſmiſſion

of any officer under the Crown. But this could not be considered as a simple fact of recall. It was connected with charges so extensive; it implied charges of such high importance, that it could not be disposed of by common forms. It would not be proper for him to enter at large into the subject now, in the absence of so many Members of that House, and without notice; but he would say that Ireland was in a situation that made it indispensably requisite that an investigation should be had. He did not know where the blame lay. If upon the noble Earl, let it attach to him. If not upon him, it must be to those who had advised his recall when he had the general applause of the Public for his conduct; but he must assert it to be the public duty of that House to bring this business to a fair investigation, in whatever form their Lordships might think fit to shape it. If Ministers had nothing to alledge against the noble Earl, he would reap the advantage; if they had just cause for what they did, they would stand justified to the Public; but in either event, a day should be appointed for the investigation of the subject.

The Duke of NORFOLK said it was not for their Lordships to consider, at present, whether the blame was to attach to the noble Earl, or to Ministers, but it was their duty to satisfy themselves, and to satisfy the public mind, (which had been much agitated upon this subject), how in reality the facts stood. Above all, the public mind should be made easy, for great alarm had gone abroad upon this matter. He expected that Ministers would have come forward of their own accord, and have explained the business in a manly manner. The noble Earl had been suddenly and critically recalled from an important station. If he had done any thing that was improper, Ministers should have specified the act, and thrown the blame upon him, or upon his advisers, and named a day for the discussion of the matter. Instead of this, they contented themselves with saying that the noble Earl should name the day of discussion, if he had any thing to alledge upon the subject. Now, his Grace said, he was of opinion it became the dignity of that House to name the day for the discussion of the subject. He therefore gave notice that he would bring the subject forward in that House on Thursday next; probably [illegible] motion would be for a Committee of Inquiry into the whole transaction; he then moved that their Lordships be summoned for that day.—Ordered.

Two letters were published, addressed by Earl Fitzwilliam to the Earl of Carlisle, explanatory of the transaction alluded to in the above debate. As they are intimately connected with the discussion which afterwards took place, and form an important feature of the

political history of the times, we present the following copies to our readers, which are more correct than any that have yet been given to the Public.

LETTER from Earl FITZWILLIAM, recently retired from the Government of Ireland, to the Earl of CARLISLE; explaining the causes of that event.

My dear CARLISLE,

I thank you for your letter, and for the motives that induced you to write it; I know the warmth and truth of your friendship for me; and feel the sincerity of it, when you apprise me of all the calumnies, all the aspersions, all the false charges and insinuations that are levelled against my devoted head; but, standing as I find I do, single, naked, and unsupported, I tremble not:—I am not dismayed, I feel the inward consciousness that, against whatever part of my conduct, whether as to measures or arrangements, the attack is principally to be levelled, I am able to defend its justice, wisdom, and propriety. As yet, my dear Carlisle, but one side of the question has been heard:—It has been heard only through the medium of insinuations and suspicions:—through that of calumny and aspersion; under the mask of pretended regret, and of friendly concern for me and my character. Perhaps you yourself may have received your information, and taken your opinions from the very persons who have grossly betrayed, and unfeelingly abandoned me; whose counsels, maxims, and measures, I have been pursuing; and for having pursued, I am now given up to every sort of obloquy, and every extent of disgrace.

You tell me, you have heard of the list of my dismissals with surprise and dismay. I long to know what dismissals they are, that have produced this wonderful effect.

I removed two clerks from office, placed in situations that required a certain degree of confidence, but perfectly subordinate, and of no ostensibility: it might be sufficient for me to say, that neither I nor my chief Secretary, with whom they were in hourly intercourse, felt inclined to give them that confidence; or to suffer the business of their respective offices to be conducted on the system which we found had been lately introduced there.

In your days they were clerks, in mine I found them ministers. Other governments might have been managed upon such a system; mine could not. One of my objects, and that a principal one, was to bring back consequence and dignity to English government, and restore the castle its proper ministers;—to have, in every subordinate office, persons content to manage it as such; and to shew that the government, as well in its patronage, as in all its various official details, was in no other hands but mine and Lord Milton's. Whether I left these persons the pens and ink of their office, with their usual salaries, or removing them, made compensation adequate to their services and pretensions, can never appear to me matter of such magnitude, as to spread dismay through the British Cabinet. In this light it is really too ridiculous.—But to take care of them was an act not only of propriety, but of justice. The thanks of one of them conveyed in writing, and expressed in personal conference with myself, within these two days, justify my intention to

him. Mr. Cooke indeed, whose tone and style rendered his approach to a superior not to be supported, rejects my proposals in his favour, and thinks a retreat upon 1200l. a year an inadequate recompence for the magnitude and importance of his services.

I made proposals to the British Minister for the removal of the Attorney and Solicitor Generals: are these proposals, and with the terms and stipulations on which I suggested the adoption of them, among the causes that has spread this consternation? Mr. Pitt and the Duke of Portland know perfectly well, that the men whom I found possessed of these ministerial offices, were not the men in whom I meant to confide, in the arduous measures I had to undertake. Was I then to have two sets of men, one possessing confidence without office, the other office without confidence? The absurdity must strike you and every body; and the delay of perfecting in England, the arrangements I proposed, in order to avoid the absurdity, exposed Lord Milton to a situation perfectly awkward, and which might have been highly embarrassing. But I can take my ground on the fact itself, independent of every other consideration: without meaning to depreciate the character of those gentlemen still in those offices, with respect to their professional merits, indisputably they were not men of parliamentary abilities: and you know it is principally upon the persons in those offices that Government relies both for the defence and the display of their measures. I had a right, therefore, to look for parliamentary abilities in the persons who filled those offices, and were to sit upon the Treasury Bench; in them I did not find that qualification; in Mr. Ponsonby I found it in an eminent degree, his appointment the Duke of Portland at all times considered as a thing to be done: it was the situation he always designed him, as that for which he was most peculiarly qualified, as well by his professional knowledge and talents, as by his parliamentary eloquence, and it was the only one in which he could serve me confidentially, and ostensibly: that he should do so was as much the Duke of Portland's recommendation, as it was my desire. If it had not been so, why did the Duke of Portland desire me to send for him to England, to consult upon the arrangement and plan of my Government? why did Mr. Pitt admit him to consultations upon our arrangements to measures? The only objections that I ever remembered Mr. Pitt to have suggested, was, that he wished him first to be Solicitor General, in order that he might not jump at once into the elevated station of Attorney General, but rise by a regular gradation; but I never once concurred in this objection, because I knew Mr. Ponsonby had always fairly stated, both to the Duke of Portland and to me, that he had another person in view for Solicitor General, to whom he and all his political connections were under an absolute engagement—the only one to which they were pledged. The great question then was, to make an easy and honourable retreat for the person who actually possessed the office of Attorney General; that retreat was secured to him in the full meaning and intent of these expressions; unless it can be said, that a reversion for himself and his son of 2300l. per annum, (and that daily augmenting) a peerage for his family, and an assurance on my part, that although removed from the immediate pretensions of his office, he still remained the person in my contemplation to fill the first vacancy of a Chief's seat on the Bench, was not an easy and honourable retreat, "but a punishment for sins not committed against my administration."

With respect to the Solicitor General: considering his pretensions, I conceive, that, had my proposals been carried into effect, I should

have done equally well by him. The world think so, and judging from his manner towards Lord Milton and me, I have every reason to believe that he joins in the common opinion.

And now for the grand question about Mr. Beresford. In a letter of mine to Mr. Pitt on this subject, I reminded him of a conversation, in which I had expressed to him (in answer to the question put to him by me) my apprehensions, that it would be necessary to remove that gentleman, and that he did not offer the slightest objection, or say a single word in favour of Mr. Beresford. This alone would have made me suppose, that I should be exempt from every imputation of breach of agreement, if I determined to remove him; but when, on my arrival here, I found all those apprehensions of his dangerous power, which Mr. Pitt admits I had often represented to him, were fully justified; when he was filling a situation greater than that of the Lord Lieutenant, and when I clearly saw, that if I had connected myself with him, it would have been connecting myself with a person under universal heavy suspicions, and subjecting my government to all the opprobrium and unpopularity attendant upon his mal-administration. What was then to be my choice—what the decision I had to form? I could not hesitate a moment:—I decided at once, not to cloud the dawn of my administration, by leaving in such power and authority, so much imputed malversation: but in doing this, I determined, while I meant to curtail him of his power, and to shew to the nation that he did not belong to my administration, to let him remain in point of income, as well, to the full, as he had ever been: I did not touch, and he knew I had determined not to touch, a hair of the head of any one of his family or friends; and they are still left in the full enjoyment of more emolument than ever was accumulated in any country upon any one family. To the odium of doing so I submitted, rather than incur the risque of displeasing my colleagues, by infringing the emolument of a person professing great attachment to them; though indeed, at the same time, I had no slight ground of doubting the sincerity of those professions. This, then, is the list of my dismissions; by these I have punished sins not committed against me; and by these I have drawn down upon my head the censure of my Sovereign, even at the risque of the peace of this kingdom, and have deserved to be abandoned by those, in whom I most trusted, and to whose support I had every right that the most sincere affection, the most implicit confidence, unbounded reliance, and invariable attachment could give, to depend on. But one more short word on this part of the subject—the dismissals. When were those dismissals made, and when announced to the British Cabinet?—Before the meeting of Parliament. When did their criminality, and the enormity of their offence, first commence?—It was when, under the credit of my administration, perhaps derived from those very causes, the Parliament had submitted to unparalleled burdens, not solely for the purpose of providing for the internal security of this kingdom, by the most ample and formidable military establishments, but likewise by lending its assistance to the empire at large, in the hour of its greatest distress, by aids great and munificent beyond all example; then commenced the breach of all faith and agreement on my part;—then, and not till then, did these dismissals assume the character of "heinous unpardonable criminality;"—then did my administration become mischievous and ruinous to this kingdom, dangerous to His Majesty's service, and subversive of the supremacy of English government in Ireland.

But it appears that not only my arrangements, but my measures also, have created the most universal surprise and dismay. "Persons, it seems, the most connected with me, have precipitately opened measures, which cannot be contemplated without terror;" and all this I have permitted to be done, "before I had time to judge with my own understanding." Am I, then, that light, weak, and easy man, that in matters of the highest import to the service with which I have been entrusted, I should have abandoned my judgement, and committed my decisions to others, without consulting my own understanding? If so, it were much to be wished that the discovery had been made before last July;—before I had been compelled by incessant solicitations, and the most urgent importunities, to undertake the arduous task for which I and mine have relinquished all our comforts. Egregiously must you have been misled, my dear Carlisle, if such has been the light in which my proceedings on the Catholic question have been represented to you; my correspondence with the Secretary of State for this department will give you very different impressions; and, as my friend, I desire you will apply to see it. I will not enter with you into the policy of this great question, as I have referred you to a correspondence, where, I trust, you will find the reasons on which I grounded the measures which I proposed to be adopted in the progress of it. The chief cause of discontent with me on this head, you represent to be—the precipitancy with which those measures were opened; and to that I shall confine myself in answer to it.

You will recollect, that the measure of emancipation to the Catholics was originally the measure of Mr. Pitt, and the Westmoreland Administration. The most strenuous and zealous friends of my predecessor claimed the credit of it for their patron, in terms of the highest compliment. They did it in the House of Commons; they did it in the House of Lords last night. The persons whom Lord Westmoreland then principally consulted, opposed it; but the open interference of Lord Hobart, and the avowed determination of the British Cabinet, communicated as well to the Catholic agents on the spot, as through the medium of confidential persons sent over to England for that purpose, bore down their opposition. The declarations both of Mr. Pitt and Mr. Dundas on the occasion, are well known in this country, and are often quoted:—"They would not risque a rebellion in Ireland on such a question." But what they would not risque under Lord Westmoreland's administration, they are not afraid to risque under mine, when the jealousy and alarm, which certainly at the first period pervaded the minds of the Protestant body, exist no longer; when not one Protestant corporation, scarcely an individual, has come forward to deprecate and oppose the indulgence claimed by the higher orders of Catholics; when even some of those who were most alarmed in 1793, and were then the most violent opposers, declare the indulgences now asked, to be only the necessary consequences of those granted at that time, and positively essential to secure the well being of the two countries.

But after all, why did not Mr. Pitt warn me of those horrid consequences, previous to my departure for Ireland, if he really felt them? Why was the subject left open for my judgement and discretion? It was because he himself approved the principle, and he knew that I would not have undertaken the mission, unless I had been left so unrestrained.—How then stands the question? Doubtless, if I had not found, on my arrival, that the subject was in actual agitation, and that there was a cer-

tainty of its being brought immediately forward before Parliament, I should not at this critical moment have stirred it. There was a possibility that it might provoke some Protestant discontent, and this I conceived to be a circumstance that ought most cautiously to be avoided, provided the considerations, that had been discussed between my colleagues and me in England, did not appear to me to outweigh it.

The points then to be considered are these—If the *general principle* of conceding to the Catholics was only taken up by me on my arrival here, without previous agreement on the part of the British Ministers, and without my having reason to expect their subsequent concurrence—if the only point reserved for consideration was, the time and manner of bringing forward the measure, and if it was not implicitly left to my discretion to judge of that manner and time—if I did not take every proper precaution to exercise that discretion, and to obtain information by every means within my reach—if I yielded to the necessity of giving way to the measure, before I had thoroughly examined the practicability and policy of putting it off——If these things are so, then I stand convicted; then I must be content to have laid at my door the ferment and distraction which resistance to the Catholic pretensions, and my recall from the Government, have raised. But if the converse of this be true, then the verdict must be given in my favour; and to the events that may hereafter confirm that verdict, I too look forward with as much terror and dismay as you or any person whatever;—perhaps with more, because I am at hand to see how great and imminent the danger is;——but perhaps it will be better to state the transaction. I arrived here with the recommendations of the British Cabinet, and the point committed by them to my decision, strongly impressed upon my mind; I had conversations with most respectable persons upon this important subject, and at first I entertained hopes that the question might lie dormant for the present session, as my first letters will evince; but a few days shewed me that these hopes would prove nugatory. I found that the matter was already on foot; and I have the best grounds for believing that on the day of the Duke of Portland's kissing hands, it was determined to bring it forward this session. All the old friends with whom he had acted, when he was here as Lord Lieutenant, and whom it was concluded he would again call to his councils, on taking to himself the government, of which there was at that time a general expectation, were known, from their public declarations, and from their proceedings in Parliament, to intend a full and complete emancipation; his own opinions were universally believed to coincide with his Irish friends; as, to my knowledge, they certainly did. Immediately measures were therefore taken by the Catholics, preparatory to the expected change of Administration here; and by the time of my arrival, the petitions which have been since laid before the House of Commons, were in complete readiness. When I had fully satisfied myself, by every information that I could gain, that this was the real state of the affair; and when I found that any attempt of mine to stop it for the present would be useless; it gave me great satisfaction to find that the business had been put into the hands of my friend, Mr. Grattan, by the Catholics, as it gave me an opportunity of knowing every thing that was intended, and of consulting upon it with the Cabinet, in London, previous to its being publicly known. When once the Catholics had positively decided to bring forward this question, even if I had not had previous consultation with my colleagues on the business, under such circumstances I should have thought it right and expedient to gain credit

and strength to the Administration, by yielding to the general wish; but the fact is, that while I was following my own opinions and inclinations, I was following their directions; and I strictly complied with them; when finding that the general disposition was not to be resisted, I resolved to give the measure a handsome and cordial support on the part of Government. The happy effects of this determination I fully experienced. You have been told, I perceive, that the bill was brought in precipitately; this is not the fact. Leave to bring in the bill has certainly been moved for by Mr. Grattan; but not a line of the bill itself ever produced. There appeared a rising impatience among the Catholics after the delivery of their petitions, which made me apprehend that the measure might be transferred from the hands of Mr. Grattan to those of another, with whom I might have no connection, and consequently over whom I could have no hopes of control, or to have communication, however much I might wish it. There was no want of candidates for this honour; there were enough greedy to seize upon it. I therefore desired Mr. Grattan to take possession of the business, that I might be sure of myself having control over the management of the bill.——By this means, the plan and extent of the measure is now known only to the British Cabinet, to whom I have submitted it; and it remains a profound secret to every Roman Catholic, and to every Protestant, except to the very few of the latter description, to whom I have thought proper to confide it. Of these the Primate was the first; and Ministers are already possessed of his opinions on the subject; they are equally in possession of every information respecting men's minds and tempers, which I am able to give; with respect to the merits of the case, abstracted from the local circumstances, surely it would be presumption in me to dictate to them; I have represented clearly and distinctly my own opinions, but they are capable of deciding and judging for themselves; in the way I have managed, they have an opportunity of doing it before the bill is introduced; so that if they do not agree with Mr. Grattan's, (in which I heartily concur) and if they do not come up to the extent claimed and expected by the Catholics, they have had time, previous to the introduction of the bill, to suggest any expedients, modifications, or limitations, they may think proper to introduce; thus, by my management, Government will do this without incurring the odium of narrowing an original proposition, and defeating hopes once realized. Thus, then, I made myself master, as well of the time of bringing the measure forward, as for consulting on the points to be conceded; for, as to resisting altogether, I should have belied my own conviction, and betrayed my situation, if I did not represent, as I have repeatedly done, that it would not only defeat every hope I had formed for the general security and defence of the country, but be attended with a certainty of the most alarming and fatal consequences. Of this, as I have already observed to you, every day presented me with additional, indisputable proofs. The alarm that has been universally spread by the rumour of the measures being to be resisted, the language of every person with whom I converse, even of the boldest of its former opposers, the Resolutions and Addresses from the city, ecchoed already from the cities of Corke, Londonderry, and the county of Kildare, and actually adopted through every part of the kingdom; the debates of these last days in the House of Commons; all these must prove to you that my representations were at least nothing short of the truth. I trust that the evil genius of England will not so far infatuate its Ministers, as to induce them to wait for more decisive

corroborations of the faithfulness and honesty with which I warned them of the danger of persisting in their fatal change of opinion on this momentous question, I trust they will perceive, before it be too late, that the measures which I thought it my duty to suggest, are the only measures that can secure the good understanding between the two countries; which, as you may observe, it was our plan to obtain by the best means we could; and without which, the most serious calamities may arise to both nations. The prospect of having this plan defeated may, and will plunge you, and every well-wisher to his country, in that "affliction and consternation in which," you say, "you are lost." But let those be answerable, to whose counsels alone that misfortune must be attributed; —to those who, though rashly and precipitately taking their opinions from secret, unavowed, insiduous informations, and in direct and open contempt of the official communications of the person intrusted by His Majesty with the government of this kingdom, in the very midst of a critical session of Parliament, and while the measures were yet pending, which were to provide for the safety, and, perhaps, for the very existence of the country, formed the desperate resolution to change the whole of their system, on a question which, they knew and admit, would involve in its decision—that safety and that existence; and then, whilst in fact the whole proceeding is to be traced to the Minister, who, imposing on his colleagues, risks all, rather than not extend his protection to those whom he considers as his exclusive friends, screen themselves by endeavouring to throw on me the censure of having "changed the decided "points on which I had taken my decision to embark, and of having "been hurried into the adoption of measures here, which could not "have had the previous approbation of Ministers in England, or subse-"quently obtained their concurrence." You have already seen how false and how groundless that accusation is with respect to the Catholic question. It is equally so in every other respect. The measure of arranging the Treasury Bench, the bare outline, or rather the principle, of which has been stated in the House, preparatory to its introduction, was fully agreed on between Sir John Parnel and Mr. Pitt. Nothing was left unsettled but the detail, and this would have bean submitted to the British Cabinet, as the detail of the Catholic business has been submitted to them, previous to its discussion in the House. These are the only measures I have attempted in Parliament, except the supplies, and the defence of the country. Are these the measures on which I am to be accused? Am I to expect to be arraigned, from a general opinion—that I had not obtained the previous concurrence of Ministers? when on the faith of my Government, the reputations of the persons whom I had called to my councils, and principally because I was known to stand unconnected with those for whom my Government is now subverted; the House of Commons of Ireland had unanimously granted me the largest supplies that have ever been demanded. When I had procured an army, infinitely superior in numbers to whatever had been voted before in this kingdom—when I laid a foundation for increasing the established force of the country, and procured a vote of two hundred thousand pounds towards the general defence of the empire; will my friends inquire why, in all the correspondence of the British Ministry, I have never received a line to express the least satisfaction, the least approbation of these my successful exertions in His Majesty's service? Why, to the eve of my recal, they never deigned even to notice, or to give a word of answer, while I repeatedly called for instructions how I should proceed, in giving these measures their best effect towards the general service? and why, at

the very moment when I was going on with the united confidence and support of Parliament and people, in rapidly promoting internal tranquillity, and successfully providing for foreign defence, the Ministry of England, instead of co-operating with my zeal, or forwarding my intentions, were through one channel cavilling with me on petty arrangements, and the jobs of intriguing individuals; and through another (the channel of my friends) abandoning and betraying me?

You express an earnest wish that I may yet be able to reside: I certainly cannot. But I am certainly prepared to meet, confute, and retort that criminating opinion, however general you may represent it to be on your side of the water, that I and my advisers have been hasty and precipitate. There is indeed another opinion, which you say is equally general, that I shall be most anxious to confirm. Whatever it may cost my feelings, I shall not forget the duty I owe to His Majesty, or neglect the trust he has been graciously pleased to repose in me: a sense of my own honour, and what I owe to myself, will unite with whatever my country has a right to expect from me. In imposing upon me this task, I shall omit no "personal sacrifice that may attend to the ease of His "Majesty's Government, or the advancement of his service", as far as depends on my influence during the short period of my retaining the authority with which he so lately condescended to invest me. If in the hands of those, to whom I have been directed to transmit that authority, His Majesty's Government shall feel embarrassments that may affect the general administration, I have the unanimous testimony of both his Houses of Parliament here, I have their unanimous proceedings to prove, that no such embarrassments existed in my days, and that I had no such to fear.

I had resolved never to enter in the most distant degree on any defence of my conduct, until I should be admitted into His Majesty's closet, where alone I should deign to answer the unjust charges that are urged against me. The desire of satisfying a friend, who, I know, is interested in my reputation and happiness, has imperceptibly led me into this rapid sketch of all my proceedings, since my arrival here; as I have done it, I not only have no objection but I even wish, that you will shew it to as many persons as you shall think proper.

Believe me, &c. &c. &c.

WENTWORTH FITZWILLIAM.

Earl FITZWILLIAM's second Letter to the Earl of CARLISLE.

My dear CARLISLE,

AS I find that the several subjects of crimination that have been urged against me, are settling all into one point, and that if I am to judge from the declarations and proceedings of Mr. Pitt's friends here, or from the English newspapers, generally known to speak the language of Government, the grand head of attack is to be the mischief I have caused, by agitating the Catholic question, I think it essential to trouble you once more, and to submit some observations on the subject, which did not ap-

pear so essential to me, at the time I was writing to you last. I then contented myself with referring you to my correspondence with the Cabinet of England on the Catholic measure. I shall now, myself, enter into a review of that correspondence. It contains a full and adequate vindication of my conduct, and will prove two things: First, That the Catholic question entered for nothing into the real cause of my recall; and secondly, that from the very beginning, as well as through the whole progress of that fatal business, for fatal, I fear, I must call it, I acted in perfect conformity with the original outline settled between me and His Majesty's Ministers, previous to my departure from London. From a full consideration of the real merits of the case, as well as from every information I had been able to collect of the state and temper of Ireland, from the year 1793, I was decidedly of opinion, that notonly sound policy, but justice, required, on the part of Great Britain, that the work, which was left imperfect at that period, ought to be completed, and the Catholics relieved from every remaining disqualification. In this opinion the Duke of Portland uniformly concurred with me, and when this question came under discussion, previous to my departure for Ireland, I found the Cabinet, with Mr. Pitt at their head, strongly impressed with the same conviction. Had I found it otherwise, I never would have undertaken the Government. I at first proposed that the additional indulgences should be offered from the Throne; the very best effects would be secured by this act of unsolicited graciousness; and the embarrassing consequences, which it was natural to foresee must result from the measures being left open for any volunteer to bring forward, would be timely and happily avoided. But to this proposal objections were stated, that appeared of sufficient weight to induce the adoption of another plan. I consented not to bring the question forward on the part of Government, but rather to endeavour to keep it back, until a period of more general tranquillity, when so many material objects might not press upon the Government; but as the principle was agreed on, and the necessity of its being brought into full effect was universally allowed, it was at the same time resolved, that if the Catholics should appear determined to stir the business, and bring it before Parliament, I was to give it a handsome support on the part of Government.

I was no sooner landed, and informed of the real state of things here, than I found that question would force itself upon my immediate consideration. Faithful to the system that had been agreed on, and anxious to attain the object that had been committed to my discretion, I lost not a moment in gaining every necessary information, or in transmitting the result to the British Cabinet. As early as the 8th of January, I wrote to the Secretary of State on the subject; I told him that I trembled about the Roman Catholics; that I had great fears about keeping them quiet for the session; that I found the question already in agitation; that a Committee was appointed to bring forward a petition to Parliament, praying for a repeal of all remaining disqualifications. I mentioned my intentions of immediately using what efforts I could to stop the progress of it, and to bring the Catholics back to a confidence in Government. I stated the substance of some conversations I had on the subject with some of the principal persons of the country. It was the opinion of one of these, *that if the postponing of the question could be negociated on grounds of expediency, it ought not to be resisted by Government.* That it should be put off for some time, was allowed by another to be a desirable thing; but the principle of extension was at the same time strongly insisted on,

and forcibly inculcated, as a matter not only wise, but necessary to the public tranquillity.

From the day of the date of this letter, I unremittingly applied myself to the collecting of farther information. I had heard that the Committee had prepared an address for me; before I should receive it, I wished to know the opinions of those whom the Committee called the seceders—the Nobleman and principal landed Gentlemen of that persuasion.

In a letter of the 15th January, I acquainted the Secretary of State of the result of these inquiries, and of the progress of the business subsequent to my former letters. I told him, that, in the absence of the Nobleman who was considered as the head of the seceders, I had sent for a person of the most tried and acknowledged moderation amongst them, and of the first consequence and property. I found by him, (what the Nobleman above alluded to afterwards confirmed) that he, and every person of his description, were in perfect unison with the Committee; that they all decidedly looked to the same object; that they were determined never to lose sight of it; that provided it should be attained, they had no objection that Mr. Byrne, or any other member of the Committee, should have the honour of taking the lead in it. I mentioned my having, after this conversation, received the address; that, in my answer, which I transmitted, I had endeavoured to keep clear of all specific engagements whatever, though at the same time I had avoided every thing that could be construed into a rejection of what they were *all* looking to—the repeal of the remaining restrictions; and (what comes immediately to the point) I concluded by declaring, that I should not do my duty, if I did not distinctly relate it as my opinion, that not to grant cheerfully, on the part of Government, *all* the Catholics wished for, would not only be exceedingly impolitic, but perhaps dangerous—that in doing this, *no time was to be lost*; that the business would be *presently* at hand; and that the first step I took would be of infinite importance; that if *I received no very peremptory* directions to the contrary, I should acquiesce——acquiesce, I meant, *in the time*, in the mode of proceeding, and in the extent of the demands. For, as to the *measure*, considered generally, I could conceive no necessity to wait for any new directions, on which to decide.—Of this I reminded the Secretary of State. "Convinced (I said) as we "all are, of the necessity, as well as fitness, of the measure taking place, "at no distant period, I was decidedly of opinion, that to attempt to "defer it, would be useless, if not dangerous." The state of the country required this, and the dispositions of the Catholics, among whom "the appearance of hesitation on the part of Government, might pro- "duce mischief to a degree beyond calculation." You will not forget that all this passed within the first fortnight after my arrival, and before the meeting of Parliament. Thus early were Ministers in possession of the opinions and determinations, which, in the exercise of my discretionary power, I had formed on the subject; they knew that the question was in agitation; that a petition to Parliament had been determined on, and was to be immediately presented; they were acquainted with the extent of the Catholic demands; they knew that it could not be kept back; that no time was to be lost; and that if I did not receive their directions to the contrary, I should, in the spirit of the system that had been agreed on, immediately acquiesce to the full extent of the Catholic expectations.

This, then, was the time for His Majesty's Ministers to come forward with their fears and their alarms. If they had so suddenly changed their

minds on the subject, and if they had at length *discovered* that this which was to be, both with their knowledge and consent, a leading measure of my Administration, led to consequences "that could not be contemplated "without horror and dismay," this was the time for them to warn me of this change. They knew that it was my opinion, that not a moment was to be lost, and consequently that if I did not receive peremptory directions to the contrary, I was prepared to consent, without an appearance of hesitation, that the measure should go forward. Did they send me those peremptory directions? Did they state to me, as they afterwards did state, that it was the *unanimous opinion* of the Cabinet that I should stop short: that I should *abstain from all engagements*, or even *encouraging language*, on the question, until I should receive their farther directions? Not a word of the kind. My regular correspondence went on; I received frequent letters from the Secretary of State, and not even a hint was thrown out on the subject.

In a letter of the 7th of January, I proposed the removal of Mr. Wolfe, on certain terms of accommodation, in order to make room for Mr. George Ponsonby, to act as my Attorney General. This letter went by the same mail with my letter of the 8th, to which I have alluded above. On the 13th of January, the Secretary of States writes me an answer to this very letter. He informs me that the King had consented to Mr. Wolfe's Peerage, which was one of the terms I had there proposed, and touches lightly upon an objection against another, (that of holding out to Mr. Wolfe the promise of succeeding to a Chief Justice's place) on the supposition that he was to quit his practice at the bar—a supposition, by the way, that never had the smallest foundation.—But not a word on the Catholic question, not a single observation on what I stated so strongly respecting my fears of not being able to keep it quiet during the session.

The 2d of February came, and of that date I find a second, and more detailed letter from the Secretary of State on the subject of Mr. Wolfe; but here again he confined himself to that subject alone; and in my letter of the 15th January, which must have been so many days in his hands, was not even noticed. That letter, in which I so earnestly pressed, and which in itself called for an explicit, an immediate, and peremptory answer: that letter, from which he knew, that if not *timely* instructed, and *timely* checked, the Catholic question would *presently* receive from me a chearful acquiescence; yet, in the interval from the receipt of it till the 2d of February, although he wrote twice on other subjects, he says not a word of the precipitancy with which I was plunging into a matter so big with danger to the Empire; not even a hint that I should proceed with more caution or circumspection in a measure that was to subvert the constitution and establishment in this kingdom. The fact was, that neither he nor the Cabinet entertained at that time any such fears; they then apprehended no such danger. It was another business that opened their eyes to all the mischiefs of my counsels: a business that soon rung such an alarm, as brought down upon me that tempest of fears, and terrors, and remonstrances, under which I have sunk.

At the close of the letter of the 15th of January, alluded to above, I had mentioned the dismissal of Mr. Beresford. This intelligence does not seem to have caused the smallest degree of alarm in the breast of the Secretary of State.

In his letter of the 2d of February, when it appears that he must have received the information for several days, he takes not the least notice of

it; and it farther appears, from a letter of Mr. Windham's to Lord Milton, that his Grace was equally unacquainted with the alarm which the intelligence of the transaction, conveyed indirectly to Mr. Pitt by Mr. Beresford himself, had caused in that quarter. However this may have been, the attack upon me was, in the mean time, meditating, although perhaps unknown to his Grace.

This letter of Mr. Windham's was the first intimation I received of the least discontent among my colleagues in England at my conduct since my arrival—The Duke of Portland had, indeed, in one letter, stated some objections about the terms of Mr. Wolfe's removal, and in another about Mr. George Ponsonby's appointment, but nothing that could indicate discontent. But Mr. Windham's letter of 26th January, was followed by one from Mr. Pitt. On the 9th of February, and not before, that gentleman wrote to me to expostulate on the dismissal of Mr. Beresford, and on the negociations with Mr. Wolfe and Mr. Toler—This formed the whole matter of his letter, and to this alone he confined his remonstrances; yet he had a fair opportunity of touching on the measures of my Government; for he concluded his letter by making an apology "for interrupting my attention from the many important "considerations of a different nature, to which all our minds ought to "be directed."

The task of bringing forward the Catholic question he had, it seems, committed to another. By the same mail, and in a letter, dated the 8th, the very day before Mr. Pitt had written to me, came a letter from the Secretary of State, touching *at length* on this important subject, and bringing it for the *first time* into play, as a question of any doubt or difficulty with the British Cabinet. Then, as if the question had been started for the first moment between us, as if it never had been the subject of any former consultation, plan, or arrangement whatever, he writes of enabling the King's Ministers to form their judgement as to the *policy*, *expediency*, *safety*, and *necessity* of that measure. Then, as if he had never before heard from me on the subject, he cautions me against committing myself by *engagements*, or even by encouraging language, (so minute is his Grace) to give my countenance to the immediate adoption of this measure; then, for the first time, it appears to have been discovered, that the deferring it would be not an *expediency*, or *a thing to be desired* for the present, but, "the means of doing a greater service to "the British Empire, than it has been capable of receiving since the "Revolution, or at least since the Union." All former opinions, all former discussions, all former agreements, the leading principle "of our "being all convinced of the necessity, as well as fitness, of the measure "taking place at no distant period," of which I reminded the Ministers, in my letter of the 15th of January, all were forgotten, and the Secretary feels it his duty, *for the first time*, in consequence of the discussion of the question in the Cabinet *the day before*, to exhort me to use those efforts, which I had expressed an intention of trying—Efforts, of the efficacy of which I had expressed the strongest doubts on the 8th of January, when I first mentioned my intentions of trying them—Efforts, every hope from which I had relinquished on the 15th, when I warned them of the necessity of immediately giving way; when I earnestly called upon them for peremptory directions, which if I should not receive, I should acquiesce:—Efforts, which they knew from the whole series of my correspondence, it was impossible even to attempt, without evident and certain danger.

From this period, every thing went on rapidly towards my removal.— From my knowledge of the person I had to deal with, I was resolved myself to bring the business to the real point at issue between us, and to leave him no subterfuge. Cruelly as the Duke of Portland has treated me, I feel no difficulty to say, that his judgement was deceived before he abandoned me. On whatever ground he has suffered himself to be induced to change his former opinions respecting the politics of this country, and the characters and views of its principal personages; he did change those opinions; and in consequence of that change alone, he has been driven to consent to the measure of my instant recall. But I was not so deceived. I combined all the circumstances which I have detailed to you in this letter. I perceived immediately the scheme that was laid against me, and I resolved on the only means I saw left to bring the matter to so speedy an issue, as should preserve my honour, and vindicate my public character. In my answer to Mr. Pitt, a copy of which I send you, and which I wrote the very night I received his letter, I entered fully into the subject of my dismissals. I stated, as you will see, my reasons for having determined on them, as well as for adhering to them when once resolved on—Reasons, of which, from your knowledge of this country, you will, I am sure, admit the justice. I then put it to himself to determine for me, and for the efficacy of my Government— I left it to him to make his choice between Mr. Beresford and me.

The same night I wrote to the Duke of Portland; I testified my surprize to him, that, after such an interval of time, and after the various details, which I had transmitted to him, advising him of the hourly increasing necessity of bringing forward the Catholic question, and the impolicy and danger of resisting, or even hesitating about it, I should now be pressed, *for the first time*, to defer the question till some future occasion. I refused to be the person to run the risk of such a determination; I refused to be the person to raise a flame in the country, that nothing short of arms would be able to keep down. I then alluded to Mr. Pitt's letter; appealed to his knowledge of the situation of a Lord Lieutenant in this kingdom; and left him to determine, whether, if he was not to be supported, he ought not to be removed. These letters I wrote on the 14th of February. Shortly after came two official letters from the Duke of Portland, dated the 16th, in which he enters into a long detail of the various points of view in which the Cabinet wish to have the question of the Catholics considered; on the same day with these came a private letter of his own, dated the 18th. In this his Grace dwells most particularly on the necessity of the Cabinet having information submitted to them on all these points of view and a detailed plan of all the additional advantages intended to be conceded to the Catholics. He observes, that *if* the onsideration of this great question could be deferred till peace was re-established, he should not have a doubt but that it would be attended with advantages, which, perhaps, are not to be hoped for in any other supposable case: But he added, (I beg you will attend to this,) "that *it was surely going too far, to infer from any thing that he had said,* "*that I was desired to undertake the task of deferring it to that period.* If "the Cabinet were to accede, what they desired was, to be justified in "that accession, by a free and impartial investigation of *facts*, of *circum-* "*stances* and of *opinions*, in which, as of reason, MINE *would have the most* "DECISIVE WEIGHT; and as I had expressed a wish to have the mode "considered in England, whilst it was still within my reach, to have it "limited or modified before the bill was introduced, and before the plan

"was known to the Catholics, he wished to have that plan, and the "heads of the bill, transmitted for consideration."

If any thing was wanting to confirm me in my opinion, that the Duke of Portland had suffered himself to be completely duped and deceived in this business, a comparison of this letter with what immediately followed, would be alone sufficient to establish that conviction. At the moment of his writing this letter, there was not "a fact," "a circumstance," or an "opinion," that could have been transmitted to him, of which he was not in possession. He acknowledges himself, and frequently refers to my letter of the 10th of February, in which he had the plan, the oath on which the whole depended, on which every thing that regarded the Constitution, the Ecclesiastical Establishment, and the settlement of property rested. He had the Primate's opinion, and some ideas that his Grace had suggested. In a letter of mine, dated the 20th, he had still more ample details on these various heads; but for these details, "which were of reason to have such decisive weight," he was not suffered to wait. The decision had been already formed before he had called for them. The *very day* after he had written that letter, in which he had pressed me for more information, he assisted at the *denouement* of the piece. He assisted at the Cabinet meeting that unanimously concurred in the necessity of recalling me: and in a letter of the 21st, sums up all the reasons, why that measure was deemed necessary, without one dissenting voice, for the very preservation of the Empire. Can any thing be more self-evident, or, in order to account for the real causes of my recall, did it require that this letter should be accompanied, as it was, by one from Mr. Pitt of the same date, accepting, in fact, the alternative I proposed to him, and declaring himself fully prepared for the event, however he might lament it. It is true, indeed, that, for the very first time, he mentions the Catholic business, and declares his concurrence in the general desire of the Cabinet to prevent any farther progress being made in Mr. Grattan's bill, *till they should receive and consider the information, which they thought it their duty to call for.* Would you not have supposed from this, that to decide on my Government, Mr. Pitt meant to wait till he received farther information from me, respecting the important question of the Catholics? No such thing. By the dereliction of all my friends, and by the prospect of my falling alone, he was prepared to throw out this as a matter on which to amuse his colleagues at the moment, and the Public at a future period: while to myself, without allowing a moment's farther deliberation, he boldly and peremptorily pronounces on what I had determined to be the point to decide on my Government. "On the subject of arrangements, he "felt bound to adhere to his sentiments, not only with respect to Mr. "Beresford, but to the line of conduct adopted in so many instances towards the former supporters of Government. By these sentiments, "he must at *all events* be guided, from a regard to the King's service, "and to his own honour, however sincerely he might lament the consequences which must arise from the present situation.

Need I add any comment on this letter? Need I observe to you, that the measure of the Roman Catholics, on which it is now asserted my administration was determined, is here reserved for future consideration, whilst the subject of arrangements is finally and peremptorily decided? At all events, and independent of every other consideration, his own honour obliges him not to give way on that subject, and however he laments it, he acquiesces in what I had stated to him must be the consequence of such a decision on his part.

Let my friends therefore, my dear Carlisle, no longer suffer the Catholic question to be mentioned, as entering, in the most distant degree, into the causes of my recall. Let them listen no longer to that terrifying enumeration of evils and miseries to result to the Empire from a measure, which my enemies assert to have considered either as originating with myself exclusively, or as hurried on by me rashly and precipitately, or without consent or consultation. You have seen when the dread of these miseries was first conceived, and when the complaint of this want of consultation was first brought forward. Had Mr. Beresford never been dismissed, we never should have heard of them, and I should have remained. But so remaining, I should have been disgraced. Indeed, disgraced by the failure of all the measures which I had planned for the public welfare, and loaded with all the odium which that gentleman, and his connections, have entailed upon the Government to which I had succeeded. But it will be said, that in proving this point so strongly, I still leave myself open to other accusations, which affect my character, when I avow the earnestness with which I had determined to pull down the power of the Beresfords; I submit to the imputation of wishing to raise the Ponsonbys. 'It was only one family acquiring consequence, and another family losing it, according to an insinuation of a letter from one of the Cabinet. Am I then so little known to my friends? Is it my character in the world, that while I pretend the public good, and the King's service, I am insidiously consulting my own private interests; and instead of my country, have only my own connections in view? I think, my dear Carlisle, you would be sorry to see me condescend to enter into the merits of such an accusation. But by dismissing Mr. Beresford I broke my engagements with Mr. Pitt; so he himself states it. I acted, as he pretends in his letter, inconsistently with that principle, by which alone the full advantage of the union which had taken place in England could be extended to Ireland. What does he mean by this last assertion? Would he insinuate, that the union which took place in England, precluded every idea of removal? Was there no removal in the War Office in England? None in the Post Office? None in the Cabinet? Has there been no removal of his own friends at the Admiralty? Or did Lord Spencer, on his succeeding Lord Chatham, act inconsistently with the spirit of the Union, when he required such changes, and the constitution of such a board, as, judging for himself, should command his confidence? What was right and consistent in him, in so many instances, must it be blameable and inconsistent in me? Charged with the Government of a distracted and discontented country, am I alone to be fettered and restrained in the choice of the persons by whom I am to be assisted, and rather than indulge me in that single point (even considering it in the light of indulgence) must the Ministers of England boldly face the certainty of raising alarming discontents in this kingdom, and, perhaps, of opening another breach for ruin and destruction to break upon us? must I be interrupted in the course of the most unanimous session of Parliament the country had ever seen, commanding, by my influence, and on the credit of the persons whom I had employed, and I must add, on the satisfaction I had given by one dismissal, supplies and forces beyond every former example, and causing a spirit of union and harmony to succeed to that general discontent and disaffection, as well against the system of the former Government in general, as against the war itself, which, at the time of my arrival, manifestly and avowedly pervaded the bulk of the nation? And now, I think, I have sufficiently proved, that the Catholic question entered

for nothing into the causes of my dismissal; and have shewn, that as far as my conduct in Ireland had any thing to do with it, I have traced it to the dismissal of Mr. Beresford. What a cause to throw terror and dismay over the British Empire! What a ground for the abrupt and sudden removal of a firm, well supported, and popular administration, in a most critical and momentous period! A measure, indeed, that by its rashness and violence, has really cast terror and dismay over the whole kingdom of Ireland, and added in their train sullen discontent, dangerous disaffection, and universal dissatisfaction. But, after all, why are we looking for the cause of my removal in the acts of my administration here? We are seeking in vain—It is labour lost. The true cause is not to be found in the acts and measures of the Irish Administration, but on the principles, views, and character of an English Minister. We must cast back to a more distant period, when we shall discover the true cause in the complexion of past events. When the Duke of Portland and his friends were to be entered into a coalition with Mr. Pitt's administration, it was necessary to hold out such allures, as would make the coalition palatable, or even possible for them to accede to. If the general management and superintendance of Ireland had not been offered to his Grace, that coalition could never have taken place; the sentiments that he entertained, and the language he had held so publicly, for years back, on the subject, rendered the superintendance of Irish affairs a point that could not be dispensed with by him. It was become of absolute necessity that it should be transferred to his management; and accordingly, it was offered from the beginning of the negociation, as was also the home department, of Secretary of State. Ask the Duke of Portland, when he engaged to accept that department, if he doubted that the office offered to him was to be entire, and such as his predecessor had held it? Ask him if he was forewarned by Mr. Pitt, that it was to be divested of half its duties, half is importance, and *all* its character? Ask him, if he was apprized that another Secretary of State was to be cut out of the Department, and that he was to be left but as a joint possessor with an inmate? Ask him, when he accepted the management of Ireland, if he did it under any restrictions whatever? Ask him, if he pressed it upon me under any, and if he did not propose and recommend to me to lay out immediately for making such arrangements in the Government, as would enable me to restore peace, tranquillity, and order in the country; and as would reconcile the general mass of the people to its Government.

But, my dear Carlisle, the instant we had proclaimed our acceptance of office, then the scene began to open—then it was first discovered that the object of all this mighty work, was not to strengthen Administration by an accession of character, but to debase, degrade, and disgrace that character. When the junction was irrevocably avowed and declared, then the pretensions of Mr. Dundas to the continued management of the war, were brought forward, and a new office was to be cabbaged out of the Duke of Portland's, and an obvious diminution of his credit and authority was to be proclaimed. No sooner had I declared my acceptance of the Lieutenancy of Ireland, than delay interposed, and soon doubts and difficulties arose. It is a matter of public notoriety in this country, that Mr. Pitt assured Lord Westmoreland, as early as August, that he should not be removed; and I know that I could bring evidence to prove, that, in the course of the Autumn, he pointed out Lord Camden as the person whom he intended should succeed my predecessor. No, Mr. Pitt did not wish for our assistance; but knowing the importance we gave to the system then pursuing relative to France, he conceived it an oppor-

tunity, and determined to make that the means of disgracing our characters, and of rendering us, by repeated slights and affronts, fit for no other service hereafter, but to be his vile tools and instruments, flattering himself that this his first and last object, the only end of our admission into his Administration, was done and effected; he has not cared how soon he began to turn some of us adrift to all the disgrace and contempt it was his expectation and wish should attach upon our characters, in consequence of his contemptuous and ignominious treatment. Here, then, is the clue to the mystery; here you see unravelled the real ground of my deposition and attempted disgrace. To my measures Mr. Pitt has no objection.——I predict that he will adopt them by the medium of my successor; I am not sure that he will not even court the connections I have formed for Government. For the person, for whom he has pretended to contend so strenuously, he has no regard; and I doubt whether he will even permit him to resume his station at the Revenue Board, though he is entitled to do it even without a re-appointment, for, in fact, he has never been out of office. To get, then, rid of me personally, and thereby to consign me over to immediate disgrace, has been the motive to every thing that has happened relative to Ireland. I have, then, the glory of being the object of Mr. Pitt's dislike. I feel it such, because I know it is a proof I have maintained, in the great and important situation which I have filled, dignity of character, and have not been found submissive, vile, and subservient. For this he has deposed me; but by it, I have the arrogance to say, he has deposed a faithful servant of the Crown, a beneficial Governor for the people of Ireland, and a stedfast friend to the unity and connection of the two nations.

As I feel myself unshaken, and my character above the reach of calumny and aspersion, trust me, my friend, I will not be the murderer of my own fame; I will not put the seal to my own disgrace, by accepting the insidious offer of a compromising compliment. By my conduct, such as it has been, I will stand or fall; and I will never give to the good people of Ireland, to whom I owe so large a debt of gratitude for their unexampled support, implicit confidence, and manifest attachment, ground to reproach me with being a party in a fraud upon them; ground to reproach me with having established an Administration, to which they looked up with reverence, confidence, and affection, in order that, favoured and unsuspected, I might dive deep into their pockets, and having gained my point upon their ingenuous credulity, that I might redeliver them up to the persecuting and unforgiving spirit of that harsh oppressive, and obnoxious Government, from the fangs of which they were fancying they had just purchased an escape, at the price of so large a tribute.

Believe me, &c. &c. &c.

W. FITZWILLIAM.

Monday, 27th April.

Lord GRENVILLE brought down His Majesty's message, relative to the establishment of the Prince of Wales, and the liquidation of his debts, which he presented to their Lordships. [For a copy of the message, see the proceedings of the House of Commons

of the ſame date.] It was read firſt by the Lord Chancellor, and then by the clerk at the table, after which,

Lord Grenville moved, that it be taken into conſideration on Friday next, and that the Houſe on that occaſion be ſummoned to attend.—Ordered.

Tueſday, 28th April.

On the order of the day for the third reading of a bill granting a certain duty on hair powder,

The Earl of MOIRA roſe to make his objections to the principle of the bill. His Lordſhip ſaid, that he condemned the principle, as operating, in many points of view, in a very partial and oppreſſive manner upon various deſcriptions of perſons. In the firſt place, he took notice of the half-pay officers, whoſe feelings would be greatly wounded, or their ſmall incomes injured by the bill. He next adverted to a large deſcription of perſons, who would be greatly affected by it in the middling claſſes of life, who could not well do without this article, which cuſtom and decency had rendered ſo neceſſary. It had been aſſerted, he ſaid, that this was a popular bill, becauſe it bore hard only on the rich and great, who could afford to pay the tax, and the poorer claſſes were entirely exempted from it; but this was an erroneous idea. If by the poorer claſſes, the very loweſt orders of the people were meant, it might be ſo; but thoſe who could immediately make their wants known, and who were accuſtomed and not aſhamed to do ſo, were not the deſcription of perſons on whom poverty and diſtreſs bore with the greateſt weight. There were other deſcriptions and claſſes of people who felt them much more ſeverely; theſe were perſons who had been well educated and brought up, who lived upon ſlender fortunes which were barely adequate to their ſupport, who had been uſed to keep good company, and who had been in the habit of wearing powder; if thoſe perſons were obliged to pay the tax it would bear very heavy on them indeed. The ſtudents in the learned profeſſions ought alſo to be conſidered; and the ſituation of widows of confined incomes who had daughters, would feel the weight of this tax in a very great degree.—This tax, his Lordſhip ſaid, operated in a different manner from all taxes laid on articles of conſumption. If, for inſtance, the tax had been laid on the powder, every individual would have had a power to exerciſe his diſcretion of wearing it on ſuch particular occaſions as he might think proper, according to what his income would allow; but the preſent tax obliged a man to pay for powdering his hair only one ſingle day as much as their Lordſhips would any of them pay for uſing it the whole 365 days of the year, though

his fortune or income might not bear a proportion of one penny to the guinea of any of their Lordſhips. This he looked upon as a great inequality and diſproportion, and on that ground he condemned the principle. His Lordſhip inſtanced the caſe of a half-pay officer, who, if he had occaſion to wait upon the Commander in Chief, or Secretary at War, to make a tender of his ſervices in the cauſe of his country, muſt either have his feelings hurt by going without powder to wait upon his ſuperior officer, or elſe he muſt pay a guinea for one ſingle day, perhaps a day of diſappointment in getting his bread. The next point in which his Lordſhip objected to the principle of the bill, was on the ſcore of the diſtinctions it would introduce with reſpect to perſons of different parties and political ſentiments. It had been ſeen in France, and throughout all Europe, that nicknames and ſignals, for the purpoſe of diſcrimination, had been found neceſſary, and had been adopted. It had been formerly the caſe in this country; the Round Heads and Cavaliers—the Whigs and Tories, &c. &c. had had their reign; but this bill went to fix a certain maſk which could not be miſtaken, and which, if the accounts of combinations and conſpiracies that had been ſo induſtriouſly circulated were true, which he, for one, did not believe, would give perſons concerned in ſuch proceedings a certain mode of diſtinguiſhing thoſe of their own way of thinking, by act of Parliament. His Lordſhip objected to the principle of the bill, on another account, which was, that it imparted a new ſpecies of crime to an act, which did not militate either againſt morality, religion, or juſtice. If a man broke the head of his neighbour, impriſoned his perſon, or invaded his property, he knew at the time of his doing ſo, that he was acting wrong, independent of breaking the law; but in this inſtance, the act of powdering the hair, was not wrong in any reſpect, except that of not obeying the law; this he thought would have a miſchievous tendency on the public mind, reſpecting the due operation of penal laws. His Lordſhip concluded, by inſtancing the caſe of a ſervant maid, who might in the frolic of a Chriſtmas evening, take the drudging box, and flour her hair, by way of appearing dreſſed; this ſimple act rendered her liable, if ſhe had not paid the tax, to a penalty of twenty pounds. Half this penalty was given to the informer, which would make the tribe of informers numerous enough. If this poor maid ſhould be informed againſt, ſhe might be thrown into jail, for the penalty, which it was not in her power to pay; and every one knew, that from the excellence of our laws reſpecting debtors, when once in jail for ſuch a ſum, ſhe might perhaps lie there for the remainder of her life.

Lord GRENVILLE agreed with the noble Lord who had juſt

ſat down, that there never was a period when taxes were more neceſſary than the preſent, and he could not for his life conceive a more juſt, or more popular bill than that before the Houſe; it fell entirely on the higher ranks of ſociety, as it was perfectly optional whether any perſon ſhould wear hair powder or not. It was not, in his opinion, the outward appearance that conſtituted the gentleman, but his conduct and behaviour. With reſpect to what had fallen from the noble Earl in alluſion to watch-words of rebellion and ſedition, he believed that where there were ill-diſpoſed perſons, they never were at a loſs for watch-words and phraſes that ſuited their ſiniſter purpoſes. He would urge again what he had ſaid before, that this tax operated ſolely againſt the rich; and if any of the lower orders were ſo vain as to wear hair powder, their vanity formed a proper object of taxation. The caſe of the ſervant maid was one which he thought not very likely to happen in the way in which it had been mentioned by the noble Lord.

The Earl of MOIRA maintained his former poſitions, and differed entirely with the noble Secretary of State, as to the effect of the bill, in giving a certain mark to thoſe of a particular party. He alſo differed with him as to conſequences which ſuch marks of diſtinction have on the minds of men in linking them together. He remarked, that the ſong of Lillibullera had a greater effect in holding the people together in the reign of James II. and ſtimulating them againſt the meaſures of that monarch, than the moſt laboured efforts of reaſon and argument. He perſiſted that it was not at all improbable, that a maid ſervant, circumſtanced as he had ſtated, might, in conſequence of ſuch an act of merriment and frolick, be doomed to languiſh out the remainder of her days in a diſmal jail.

Viſcount SYDNEY paid a compliment to the eloquence and ingenuity of the Earl of Moira; but was ſurpriſed that a perſon of his known bravery and ſpirit ſhould have ſo much dread of the conſequences of this bill in one particular point of view. He did not ſee it at all in that light; he thought the bill a good and a popular one in every reſpect but one, which was a caſe in which he agreed with Earl Moira, that of the half-pay officers. His Lordſhip enlarged on the merits of that deſcription of gentlemen, and the ſervices they had done their country, and hoped that if it was poſſible, without endangering the loſs of the bill, by ſending it back to the other Houſe with an amendment, that an exemption might take place in their favour.

Lord MULGRAVE requeſted before their Lordſhips proceeded to the third reading of the bill, that they would indulge him with a few words in ſupport of the clauſe, which he had before given notice

he intended to introduce by way of amendment. He believed that there was not a single Lord present who would give the least opposition to the clause he had to propose, were it not for the inconvenience that might arise from the bill being rejected in the House of Commons if any amendment were made to it (being a money bill) in that House. He hoped, however, that this reason would not operate on the present occasion. The clause he had to propose was for an exemption to a very honourable and deserving body of gentlemen, whose services to their country deserved every consideration and attention. It was well known that officers on half pay had always, from the period of entering into the army, been used to consider powder in their hair as an article of dress, and a mark or insignia of the character of a gentleman. To oblige them to pay a guinea a year for the privilege to wear it in future, out of an annual sum of thirty-four, or from that to ten or fifteen pounds more, would be a great hardship, and what their small income would not bear.— They must therefore appear without it, which would most certainly be a great hurt to their feelings, and a very ill return for those services they had performed, the blood they had shed, and the wounds they had received in performing the duties of their profession. His Lordship said, he folt himself excited by his professional feelings, to stand forth the Advocate of this description of gentlemen, whose merits and services he had witnessed on several occasions, and though he doubted not he should meet the support of almost every noble Lord in the House, he made himself particularly certain of that of the right Reverend Bench opposite to him, the lower orders of whose profession had received a similar exemption with that he now argued for, extending to every clergyman not possessing an income of more than a hundred a year. He had voted for that exemption in favour of the clergy, and he doubted not, but the Rev. Prelates would, by the same rule of justice, vote for a similar exemption, with regard to half-pay officers. His Lordship concluded an excellent speech, by moving a clause, "exempting officers in the army and marines, on half pay, from the payment of the tax."

Lord ROMNEY opposed the clause being received, as he thought it might endanger the bill, which he considered as one of the best tax bills that ever was introduced into the House.

The Bishop of ROCHESTER supported the clause upon the principles of equity and justice. He said an exemption had taken place in favour of the lower orders of the clergy, and he thought it ought to be extended to the half-pay officers, whose services deserved every indulgence of this kind, in aid of their very narrow incomes. He said this exemption could not hurt the revenue at all; for it was

ridiculous to expect a guinea from those pockets where a guinea was not to be found. He was surprised the exemption had not been made in the Commons, and that it should have come before their Lordships with this iniquity upon its head. He concluded by saying, that the clause should have his hearty support.

Lord GRENVILLE opposed the clause, on the ground that there was no necessity for half-pay officers wearing hair powder.

The Duke of RICHMOND thought the clause was worded in too general a manner. There were many officers on half pay who had retired from the army and were possessed of good fortunes; these would be exempted under the clause as it now stood; there were also many on half pay who did not deserve the exemption; persons who had purchased commissions on the eve of peace for the purpose of getting on half pay; many of these waiters at taverns and persons of a similar description. If the clause was restricted to such officers on half pay as had made a tender of their services within twelve months, he would agree to it, otherwise not.

The Earl of GUILFORD observed, that there seemed not to be any very great objections to the clause, except the risk of the bill being thrown out in the Commons, on account of the amendment made by their Lordships; there could be no doubt, however, that a new bill would be brougnt in adopting the amendment, or something adequate to it, and as this could only cause the delay of five or six days, he should vote for the clause.

Lord MULGRAVE was very severe on the argument of Lord Grenville respecting the necessity of a half-pay officer's wearing hair powder. He allowed there was no moral or medical necessity for it, but he put it entirely on the score of their feelings, which would be wounded by thus putting a badge on their poverty. It put him in mind, he said, of an anecdote mentioned of a great man in France under the old Government; this was Cardinal de Bois, who, when a monk, one of the lower orders of the clergy, had written a book which he did not approve; the Cardinal reproached him very severely; and asked the Abbe why he employed his time in that manner? The answer was, "*Helas! Monseigneur, il faut que je vive;*" to which the Cardinal replied, "*Monsieur, Je n'en vois pas la necessite.*" This was a sentiment which he was sure their Lordships would not adopt, and therefore he was sanguine in his expectations that the clause would be agreed to.

The Bishop of ROCHESTER disclaimed having any professional bias: he said, in all great bodies of men there were some undeserving objects, but it would be unjust to punish the worthy on their account.

The LORD CHANCELLOR ſaid, he had liſtened with the greateſt ſurprize to the turn which this debate had taken; for the arguments uſed in ſupport of this clauſe went againſt the principle of the bill itſelf; they were founded upon a ſuppoſition that wearing powder was abſolutely neceſſary for the decent appearance of a man in ſociety; this he by no means admitted; for if a perſon's circumſtances were ſuch that he could not conveniently afford a guinea, if he was otherwiſe a reſpectable character, would he be leſs looked upon in ſociety for not wearing powder? certainly not. A noble friend of his (Lord Guilford) he ſaw was without powder, and yet he was ſure the noble Lord was as much eſteemed as if he was ſuperbly dreſſed. His Lordſhip then alluded to the caſe of half-pay officers—he could not ſee any reaſon for exempting them that would not apply to other claſſes of men, ſuch as younger brothers, ſtudents, &c. He could not conceive why they ſhould feel themſelves degraded by this meaſure; they might as well feel hurt at not being able to wear a fine coat.

The noble Lord (Mulgrave) had been miſtaken in attributing that expreſſion to the Cardinal de Bois, it was uſed by Monſ. d'Argenſon, one of the Officers of the Police at Paris, to a man who was brought before him for writing an indecent pamphlet; being aſked why he wrote ſuch a book, he ſaid, "*Monſieur, il faut que je vive;*" Monſieur d'Argenſon, with great wit and propriety replied to ſuch a man, "*Je n'en vois pas la neceſſite.*" His Lordſhip concluded with declaring his diſapprobation of the clauſe.

Lord AUCKLAND ſaid, he was an enemy to all exemptions in tax bills, as they only produced jealouſy. He ſhould not have been ſorry if the Commons had inſerted the clauſe in favour of the half-pay officers, but he ſhould not wiſh in the preſent ſtage of the bill to have it introduced.

The Houſe divided,

For the clauſe, 11; Againſt it, 15. Majority, 4.

The bill was then read a third time, and paſſed.—Adjourned.

Wedneſday, 29th April.

No debate.

Thurſday, 30th April.

The Earl of MOIRA adverted to the happy event of the nuptials of his Royal Highneſs the Prince of Wales, and to the general hopes which inſolvent debtors had cheriſhed in conſequence of it. He obſerved that his profeſſional avocations had prevented him from attending in the Houſe, and of ſubmitting to their Lordſhips his

ideas of the propriety of adopting ſome regulation of the law with regard to inſolvent debtors. He wiſhed that the fulleſt inveſtigation ſhould be had, and the moſt clear diſcrimination made between the caſes of the fraudulent and the unfortunate. He wiſhed alſo that no unneceſſary delay ſhould take place in the inveſtigation of this preſſing and important ſubject. Long ago their Lordſhips had put ſome queſtions upon this matter to the judges, and he knew not the reaſon why theſe learned Miniſters of juſtice had not come to a determination. He had not at preſent any thing to move, but that a petition, which he held in his hand, be read. The petition was accordingly read. It was ſigned by a vaſt number of perſons who had the misfortune to be in priſon for debt. Expreſſing their joy at the happy event of the nuptials of his Royal Highneſs the Prince of Wales; ſtating generally the hardſhips which they ſuffer, and expreſſing a hope that they might be permitted to enjoy the bleſſings of liberty; imploring the kind and generous interference of their Lordſhips if it ſeemed meet.

Lord Viſcount SYDNEY roſe to obſerve to their Lordſhips, that as the franking bill was about to come under their conſideration, he thought it neceſſary to inform them, that great abuſes had been made by editors of newſpapers, in franking thoſe papers, by putting upon them names of many Members of both Houſes, without their conſent, and without ever conſulting them upon the matter. He himſelf, he declared, had never given his name to the franking of more than three papers in his life, and yet, he underſtood, that fifty at leaſt had laſt year been ſent under his name. He believed that many of their Lordſhips had been dealt by with as little ceremony, and had the ſame unlicenced liberty taken with them; and very numerous indeed were the Members of the other Houſe, whoſe names were thus uſed without their authority or conſent. Many of theſe papers were, in his opinion, highly ſeditious, and yet the names of ſeveral Members who abominated their principles were made ſubſervient to their circulation through the country. Laſt ſummer he had ſeen a large packet of theſe papers, which contained a maſs of libellous, ſeditious, and ſcandalous matter, franked with the name of the Secretary to the Treaſury (Mr. Roſe). His Lordſhip ſaid he did not mean to make any motion upon the ſubject, as he hoped, from what he had now ſaid, the editors of newſpapers would take the hint, and be more careful in future how they took ſuch unwarranted liberties as uſing the names of Members of both Houſes in franking their papers, who never authoriſed them ſo to do.

The Duke of GRAFTON requeſted their Lordſhip's attention to a few words he wiſhed to ſubmit to their conſideration, reſpecting

the bufinefs which ftood as the order of the day for to-morrow. He meant the confideration of His Majefty's meffage, relative to the payment of the debts of his Royal Highnefs the Prince of Wales. His Grace faid, that he believed every one of their Lordfhips would agree with him in opinion, that nothing could, at any period of time, be more highly important than to avoid any ftep being taken which might even tend to depreciate either Houfe of Parliament in the eyes of the people of this country. It was, he obferved, moft peculiarly important to avoid this at the prefent moment, when thofe, who had the adminiftration of His Majefty's Government committed to their care, were allowed, on all hands, by every impartial and unprejudiced perfon in the kingdom, to be totally inadequate to the tafk, and deftitute of thofe abilities which were requifite to guide the helm of the veffel of State, fo as to afford a profpect of fafety and fecurity during the prefent critical æra, when the country was furrounded with more alarming and calamitous circumftances than it had ever experienced before. The neceffity, therefore, of deferring the confideration of the truly interefting and important bufinefs he had alluded to, till fuch time as the Houfe of Commons had come to fome fpecific propofition on the fubject, his Grace doubted not would be apparent and obvious to their Lordfhips, when they reflected, that being a money tranfaction, if their Lordfhips proceeded on the bufinefs at the time, and according to the order they had made upon it, they might perhaps come to fome propofition or refolution on the fubject which militate againft the opinion of the Houfe of Commons, and which if they refufed their affent to, would commit them with that Houfe, and place them in a very awkward predicament in the eye of the Public. His Grace faid, their Lordfhips well knew that it had always been the cuftom and ufage of Parliament for all meafures refpecting money bills to originate in that Houfe, and from thence to come to their Lordfhips for their affent and concurrence. This cuftomary and conftitutional progreffion he wifhed to fee adhered to, in the prefent inftance; and he would therefore hope, that His Majefty's Minifters would take the matter into their ferious confideration, and agree to defer the bufinefs till it had firft been proceeded upon in the other Houfe of Parliament, from whence it ought properly to come to their Lordfhips. The call of that Houfe was fixed for next Monday fe'nnight, which fhewed with what care and circumfpection they were determined to proceed, and how highly important in its confequences they confidered the fubject. He would not, therefore, take up more of their Lordfhip's time at prefent, trufting that His Majefty's Minifters would fee how dangerous it would be at this particular time for their Lordfhips to

come to any ſpecific reſolution on an affair of ſuch immenſe importance to the country, which the Commons might not afterwards think proper to aſſent to, and which would, by ſuch diſſent of theirs, be rendered altogether nugatory and of no effect. He did not wiſh that their Lordſhips ſhould diſgrace themſelves, or deceive the King on the Throne; for when this very critical and delicate buſineſs came to a point he did not know what might be done. In order to ſave the Houſe from that ſtate of embarraſsment in which they might be placed if they adopted any thing upon this ſubject to-morrow, he ſhould wiſh to move, that the order for taking His Majeſty's meſſage into conſideration be diſcharged.

Lord GRENVILLE ſaid, that if the noble Duke had but waited till to-morrow, he would have ſeen that the obſervations his Grace had juſt made, would have been ſuperfluous. He perfectly agreed with the noble Duke in what he had ſaid reſpecting the propriety of any propoſition on this ſubject coming from the other Houſe, and all he propoſed to do to-morrow was to move an addreſs to His Majeſty, thanking him for his gracious communication, expreſſing their loyalty and attachment to His Majeſty and every part of his illuſtrious family, and aſſuring him that they would proceed to the conſideration of the ſubject of His Majeſty's moſt gracious meſſage, with as much diſpatch as the nature of the caſe would allow. This was all he intended to propoſe to-morrow, and this would not bind the Houſe to any thing whatever.

The Duke of GRAFTON replied, that he ſtill was not ſatisfied with what had now fallen from the noble Secretary of State. He thought no ſtep ſhould be taken in the buſineſs at all, till their Lordſhips knew how the other Houſe of Parliament would diſpoſe of it. His Grace aſſerted his perfect independence in the part he took in the preſent queſtion—he was unconcerned as to what parties his conduct might not pleaſe, either among the Public, or in any other place. Paramount to all other conſiderations, he conſidered his duty as a Lord of Parliament, and that duty alone impelled him to ſtate and deliver his ſentiments to their Lordſhips in the manner he had done.

The Earl of LAUDERDALE took the opportunity to ſtate to the Houſe, that on the 26th of February, he moved an addreſs to His Majeſty, for papers to be laid on their table. They had not yet appeared, for what reaſon he could not conceive. He wiſhed to know from the noble Secretary of State, when they were likely to be produced; and ſecondly, whether there was any difficulty ariſing from the manner in which his motion was worded. If ſo, he was ready to alter it in any way that might be deemed proper.

Lord GRENVILLE said, he could not assign a reason for the delay, but that he would make inquiry.

The Earl of LAUDERDALE observed, that he should take the present opportunity of the noble Secretary of State's being in his place, to call their Lordships' attention to another subject which he thought was of considerable importance to their Lordships and to the Public. The present session, he remarked, was very far advanced, and not the smallest mention had been made, or notice taken of the opening campaign. His Majesty's Ministers had promised to give the earliest information possible on this interesting head, yet though the season for commencing another campaign was greatly advanced, nothing had transpired from them on the subject. He should be glad to know the reason of this, and to have such information as in their power to communicate, laid before their Lordships. There was another circumstance also which pressed upon his mind relative to the Emperor's loan. He wished to know what call would be made on the Public on that head, and how much money had already been advanced to the Emperor. He was afraid a sum great and alarming, beyond the conception and imagination of most men, had already been granted to the Emperor, without being submitted to the consideration of Parliament. He should, therefore, make a motion respecting this business of the loan, unless the noble Secretary of State gave him such information as might render it unnecessary for him so to do.

Lord GRENVILLE said, that with regard to the first part of the noble Earl's request (the opening of the campaign) all he could say, was, that he had not received any commands from His Majesty to communicate any information to their Lordships, and therefore it was not proper in his place, as a Lord of Parliament, to do so. As to the other, as far as accounts could be made out, he had no objections to their being laid before their Lordships.

The Earl of LAUDERDALE then moved, that "an account of such farther sums of money as His Majesty has been induced to order to be issued to His Imperial Majesty, specifying dates, &c. since the last return, be laid before their Lordships."—Ordered.

The order of the day on the motion relative to the recall of Earl Fitzwilliam, being called for by several noble Lords,

The Earl of GUILFORD begged leave to state to the House, that he thought it would be hardly possible to bring forward the motion, of which the noble Duke had given notice, on account of the indisposition of a noble Secretary of State (the Duke of Portland), who was considerably interested in the subject. He therefore submitted it to the House, whether it would not be more satisfactory

to their Lordſhips, and ſo the Public at large, to defer the diſcuſſion of this important buſineſs to ſome day when their Lordſhips might have the advantage of the attendance of that noble Duke.

The Duke of NORFOLK obſerved that a noble Earl, who had lately been recalled from an high and important ſtation, came down to that Houſe and charged Adminiſtration with implicating his character unjuſtly; and called on them to name a day to inquire into all the circumſtances of the tranſaction. Blame there certainly exiſted ſomewhere, and it ſtruck him ſo forcibly, as being eſſential to the dignity of that Houſe to inquire into the ſubject, that he had determined to bring it before their Lordſhips. One Miniſter was prevented from attending in the Houſe to-day, and it was ſuppoſed that the queſtion referred to the department of that Miniſter in particular; this ſeemed to be the reaſon why this buſineſs ſhould be deferred. It did not appear to him to be a ſufficient reaſon; but he would be guided by their Lordſhips, if they would be pleaſed to ſuggeſt their opinion. As there were two parties concerned in this buſineſs, His Majeſty's Miniſters and the noble Earl, he ſhould rather wiſh to know what was their diſpoſition, than to do any thing on his own part; and there might be ſomewhat of delicacy from the abſence of one noble Peer ſuppoſed to be particularly intereſted. Unwilling, therefore, to do any thing until he ſhould know the wiſhes of either ſide, he ſhould poſtpone his motion; if, on the contrary, it was thought neceſſary by the Houſe, he was ready to proceed.

The Earl of GUILFORD was ſtill of opinion that the diſcuſſion ought not to be gone into in the abſence of the noble Duke. He thought it would be more ſatisfactory to themſelves, to the people of this country, and to the people of Ireland, not to proceed in the abſence of the noble Duke, and therefore he muſt perſiſt in deſiring to poſtpone the ſubject.

The Earl of MOIRA was of the ſame opinion. He adverted to a declaration made upon the honour of a gentleman in the Houſe of Commons in Ireland, which implied that every thing was perfectly well underſtood by the parties before the noble Earl quitted England. It therefore occurred to him, that to proceed in his abſence would be a mark of diſreſpect to the noble Duke, without being of any advantage to the Houſe. The noble Duke ought to have an opportunity of taking his ſhare in the diſcuſſion.

The Earl of GUILFORD moved, that the order of the day be diſcharged, and a new order made, fixing ſome future day for proceeding on the buſineſs.

The Duke of NORFOLK did not think that the indiſpoſition of the noble Duke was a ſufficient cauſe for poſtponing the motion.

He did not see how his presence was so very essentially necessary as had been stated. It was true, as Secretary of State, the greatest part of the correspondence had passed through his department; but he understood that the most blame, if any there was, would be found to rest with those of His Majesty's Ministers in the Cabinet, who held stations of responsibility, and who had made stipulations from which they had afterwards receded. However, as it seemed to be the inclination of a majority of their Lordships, that the order of the day be discharged, and a new one made, he should not offer any farther objection.

Lord GRENVILLE said, he had no objection either one way or the other; he only begged it to be understood, that he did not assent to any thing that had been said upon the subject that day.

The Duke of NORFOLK proposed Tuesday next to proceed on the business, and moved that on that day their Lordships be summoned.

The Earl of LAUDERDALE was of opinion, that Tuesday would be too early a day. If the noble Duke was so seriously and alarmingly ill, as, he was sorry to say, he understood he was, it would be absurd to suppose that there would be any thing like a certainty of his being able to attend the House on so early a day as the one proposed. As it seemed to be the opinion of some noble Lords, that the presence of his Grace was essentially necessary, the best way would be to fix a day so far distant, as might bring the attendance of the noble Duke, by his recovery, within the scale of probability; and therefore he would submit it to the noble Duke, to postpone it to some day more distant than the one he had named.

The Duke of NORFOLK, after a few words expressive of his desire to do every thing which might accommodate the feelings of the noble Duke who laboured under a present indisposition, proposed to-morrow se'nnight, which was immediately agreed to, and the Lords ordered to be summoned for that day.

Friday, 1st May.

Lord GRENVILLE moved the order of the day, which was to take His Majesty's message on the affairs of the Prince of Wales into consideration.

The message being read,

Lord Grenville, in conformity to the notice he had given, rose for the purpose of moving an Address to His Majesty. He did not intend to enter into any detail on the present occasion, because that should be left to a future opportunity. It was not proper, in his opinion, for their Lordships to come to any specific resolution that

might bind them upon this affair, for various reasons, one of which was obvious, he meant the practice of Parliament, by which it was understood that all legislative measures relating to public expences, should originate in the other House of Parliament. He hoped that what he had to propose would meet with the unanimous concurrence of the House, for it was nothing more than an answer to His Majesty's message in general terms, consistently with the respect which was due to the Throne. His Lordship said, that he believed every noble Lord who heard him, would concur in sentiment, that it was highly essential to the interest of the nation that the honour and dignity of the heir apparent to the Crown should be supported with every necessary and convenient degree of splendour and of comfort. The means by which this was to be done were not now immediately before the House, nor would perhaps be regularly so for some time to come. What measures should be taken to relieve his Royal Highness from his embarrassment, to prevent his being subjected to any such hereafter, or even what should be his establishment, were points for future consideration. He should now move that an Address be presented to His Majesty, to return to His Majesty their Lordships' thanks for his gracious communication. To assure His Majesty of the interest their Lordships had in the happiness of His Majesty, and every branch of his illustrious family. And that their Lordships will take the subject of His Majesty's gracious communication into their most serious consideration, and that they will be ready to concur in such measures as may be, under all the circumstances, thought necessary for making a provision for his Royal Highness the Prince of Wales, &c.

The Address being read and the question put,

The Earl of GUILFORD observed, that he did not rise with the most distant intention of opposing the Address which had just been read; on the contrary, he thought it highly laudable, as the noble Secretary of State had very cautiously and prudently worded it in such a manner as not to bind that House to any thing whatever. His Lordship allowed that this was certainly not the time to enter into any detail upon the subject; notwithstanding which he could not forbear mentioning some things which forcibly impressed his mind relative to it. This was a matter of the greatest moment, whether viewed with regard to the nation or to his Royal Highness, and it would be essentially necessary, that in relieving that high personage from those incumbrances which now pressed upon him, no reserve should be made—no concealment should be attempted, but that every particle which was really owing, should be actually and *bona fide* discharged, and that to the utmost farthing. If this was not

done, nothing would be done effectually, and the Royal personage alluded to, would be in as disagreeable circumstances in a short time hence, as he is said to be at the present moment. As to the mode of payment of the debts of his Royal Highness, his Lordship did not think it was of much consequence whether an additional sum was added to his Royal Highness's income in order to be solely appropriated to the payment of his debts, or whether the whole should be paid at once, and an interest raised upon the Public, instead of such additional establishment. At all events, however, his Lordship was clearly of opinion, that from the excessive rise in all the articles of provision and family concerns, a much higher establishment ought to be allowed at present than had ever been granted to any former Prince of Wales. After having said thus much, he could not think himself justified in sitting down without adding, that he thought it extremely necessary that the latter part of the message should be minutely and strictly attended to, and that every possible check should be placed so as to put it altogether out of his Royal Highness's power ever to involve himself in such embarrassments in future, and to shew that every Prince of Wales hereafter might not suppose that he had an unlimited credit upon the purse of the nation. Having said this, he was happy to say he concurred entirely in the present Address.

Lord GRENVILLE was extremely happy to hear what had been expressed by the noble Earl. He entirely coincided with him in opinion upon all the topics he had mentioned, and he could assure the noble Earl and the House, that when the matter came to be discussed, it would be found that in every measure in which he had any concern relating to it, the utmost caution would be used to prevent any of those inconveniences which the noble Earl had alluded to. He assured their Lordships that he had no other reason for not entering more fully into the subject, than that this did not appear to him to be a fit season for that purpose.

The Address was then agreed to *nem. diss.*

Monday, 4th May, to Thursday, 7th May, inclusive.

No debate.

Friday, 8th May.

The Earl of LAUDERDALE begged leave to call to the recollection of their Lordships, that some considerable time past he had made a motion for certain papers to be laid on the table of that House, which had been ordered accordingly. That a few days ago he had complained of those papers not having been produced, at

which time the noble Secretary of State had anſwered that he did not know the reaſon why the papers alluded to had not been laid on the table, but that he would inquire into it. Since that time, certain papers had been laid on the table, purporting to be the papers which he had moved for, but he deſired to ſubmit to the Houſe, that thoſe papers now produced were not the whole of the papers he had moved for. His Lordſhip ſaid, that his motion went to all the papers on the ſubject to which they related, in the ſeveral offices of the different Secretaries of State. He had underſtood, and he believed it was generally underſtood by the country, that there were *three* Secretaries of State, whereas the papers laid on the table only related to the offices of *two* Secretaries of State. He conceived, therefore, that the noble Secretary of State ought to give his reaſons why all the papers had not been produced from the three offices, according to the order which had been made on the ſubject.

Lord GRENVILLE ſaid, that all the papers moved for had, in his opinion, been laid before the Houſe. He allowed that, nominally, there were three Secretaries of State, but he was happy to ſay, for the intereſt of this country, that the buſineſs was done by two Offices, and a conſiderable ſaving to the Public thereby made. This being the caſe, and all the papers of the two Offices being laid on the table, his Lordſhip conceived every thing had been done which either the motion or the order required.

The Earl of LAUDERDALE expreſſed himſelf by no means ſatisfied with what had fallen from Lord Grenville reſpecting the production of thoſe papers, or the offices of the ſeveral Secretaries of State. The noble Secretary had ſtated, that the buſineſs of three Secretaries was done at two offices, with a conſiderable ſaving to the Public. He ſhould have been glad to have heard, and he thought it was neceſſary it ſhould be ſhewn, how that ſaving was made out. Much had been ſaid that a certain right honourable gentleman undertook the drudgery and fatigue of office, without receiving the emoluments; but, in his mind, this ought to be made apparent. Certain, his Lordſhip ſaid, he was, that there were three Secretaries of State, one of whom, he had no doubt, would be frequently alluded to in the courſe of the preſent evening; and ſome farther proof than mere aſſertion ought to be adduced reſpecting ſo important a buſineſs, before their Lordſhips would be ſatisfied that the papers now laid on the table were all that ought to be produced. His Lordſhip ſaid, he would not at preſent make any motion on the ſubject; but he requeſted the Houſe to take notice, that he intended on a future day to move, that their Lordſhips be ſummoned on Wedneſday, the 27th of this month. He would

not ſay any thing at preſent of the nature of his motion, becauſe he knew the unwarrantable advantages which were too often taken of ſuch notices out of doors.

Lord GRENVILLE ſaid, that as the noble Earl had not thought proper to mention the nature of his motion, he could ſay nothing more to it at preſent than this—that he ſhould be ready to meet it whenever the noble Earl ſhould think fit to put their Lordſhips in poſſeſſion of its purport and intent.

The order of the day being moved, on which the Houſe had been ſummoned,

The Duke of NORFOLK roſe to make his promiſed motion. His Grace ſaid, that the matter which he had now to bring forward was of magnitude ſufficient to attract the attention of their Lordſhips. The honour and the character of a very diſtinguiſhed individual were involved in it. His fame and reputation had been ſeverely wounded by the conduct of Miniſters, in having adviſed His Majeſty to recall him from an important ſtation. This was not all; for the ſubject involved matter of more importance than even the honour or the life of any individual—the probable tranquillity of the ſiſter kingdom and of this. He regretted that the buſineſs had not fallen into abler hands than his; but he would proceed upon it as well as he was able; and firſt, he ſhould obſerve, that he rejoiced, as he believed their Lordſhips would rejoice, that the cauſe which on a former day occaſioned the delay of the diſcuſſion of this ſubject, (the illneſs of the Duke of Portland) no longer exiſted, although, in his view of the ſubject, it was no cauſe of delay at all; for he was of opinion, that their Lordſhips might have proceeded with perfect propriety in the abſence of the noble Duke; but, as many of their Lordſhips thought otherwiſe, he conſented to the delay that had taken place.

The queſtion here to be diſcuſſed was not, in his opinion, between the noble Earl who had been recalled, and the noble Duke who communicated His Majeſty's commands upon that ſubject, but between the noble Earl and that part of His Majeſty's Privy Council denominated the Cabinet. In their act as a body, no one individual was more implicated than another. What paſſed there was the act of all; and the mere tranſmitting of the reſult out of a particular office, was a matter of no importance; in that reſpect the noble Duke could do no more than to give directions to his clerks to tranſmit the diſpatch according to orders. The queſtion, therefore, was, whether the noble Earl had ſo far violated his duty, either from vanity and weakneſs, or any other cauſe, ſo as to make it matter of juſtice or prudence to recall him for the ſafety of the

State; or whether Minifters had departed from their duty, from wantonnefs or caprice, or any finifter party views of their own, and improperly advifed His Majefty upon that fubject? He muft now requeft the indulgence of their Lordfhips, while he took a view of the fituation of this country, from a time confiderably anterior to the date of this recall. At the time of the American war, their Lordfhips would recollect that there was a very confiderable party who oppofed both the principle of that war, and the manner in which it was carried on. That party fucceded at laft in removing the Minifter of the Executive Government that conducted it, and were called to take upon themfelves the helm of affairs. The death of the Marquis of Rockingham, which could never be fufficiently lamented by the nation, occafioned a new change, and a noble Lord, whom he was forry not to fee in his place, then Earl of Shelburne, fucceeded to the Adminiftration. A peace at that time was the general wifh, and the noble Earl negociated and concluded one, which was however of fuch a nature, as to meet with confiderable difapprobation, and the confequence was, that he too was put from power, and an Adminiftration fucceeded which, he need hardly remind their Lordfhips, was called the Coalition. By them a bill was brought in for the direction and management of the affairs of the Eaft-India Company, which was by many thought a very ftrong meafure at leaft, and although it paffed the Houfe of Commons, was arrefted in its progrefs through their Lordfhips' Houfe, and rejected. The fall of that Coalition from power was the neceffary confequence; and an Adminiftration fucceeded, headed by a young man, whofe green youth was thought to be more than counterbalanced by extraordinary genius, and whofe hereditary claims to the hopes and opinion of the Nation, tended even ftill more than his brilliant talents to raife him to power. He, however, with all the weight of Royal patronage in his favour, ftill felt that he held his power by only a precarious tenure, as the Parliament then in being feemed not indifpofed to mark his call to that power as unconftitutional. He therefore advifed the Sovereign to call a new Parliament, and that Parliament, as well as the Lords, concurred in fortifying him, and keeping him in office. Candour, his Grace faid, muft own, and he would always be forward to acknowledge, that to that right honourable gentleman's plan for diminifhing the national debt, the nation was greatly indebted. It had refcued the kingdom from calamities that feemed difficult to be averted. Impartiality demanded fo much. Would to God, he exclaimed, that I could go farther! But from that time down to the prefent day, every fucceeding act of that Minifter feemed to be ftill more cenfurable than the

former, and more loudly to call upon Parliament to resort to those measures which had been in so many cases applied with salutary effect. In 1789, the French people, compelled by a system of Court oppression, which the blindness of supposed security, and the inveterate obstinacy of habitual despotism, prevented the Court of Versailles from removing, effected a change in the Government of that country. Abuses became intolerable, and the people undertook the task of reforming for themselves. A necessity to be deplored; for when the people reformed for themselves, they reformed miserably; and here he thought the inability of our Ministers became conspicuous. A combination was formed by the Powers of Europe, who were fearful of the effect which this revolution might produce in their own dominions. Under this was formed the treaty of Pilnitz, a combination which no State had a right to form against another. Our Ministers should, in his opinion, have come forward to prevent that combination. This, his Grace considered as a glorious opportunity for the Court of Great Britain to have raised the character of this country among the nations of Europe, to have established their own fame on a lasting foundation, to have secured this country from the miseries and desolation of war, and above all, to have averted the fate which befell the unfortunate victims who afterwards fell in France, and prevented all the subsequent atrocities: unfortunately they acted a different part; the consequences were too obvious to be discussed; and although no official documents were before the House to ground a positive assertion, yet he believed it was not denied that they were found interfering with the French concerns at the treaty of Pilnitz.

It happened that a gentleman who belonged to the party he espoused (Mr. Burke), a man of the most extensive knowledge, and the brightest genius of modern times, had unfortunately, though he believed with the most pure intentions, written a book against the French revolution, fraught with knowledge both in men and books, which contained some strong and undeniable truths, conveyed in the most eloquent language that persuasion could assume—but at the same time inculcating principles and broaching doctrines, not only subversive of the true constitutional rights of Englishmen, but diametrically contradictory to the Whig principles, which he, in common with his party, professed—the principles of the revolution of 1688. To this book, the effect of which on the minds of the greater part of Europe was beyond calculation, an answer was written by a Mr. Thomas Paine—a man who, although nearly as inferior in genius as in learning and knowledge, was yet possessed of considerable ability, and particularly of a talent for that kind of writ-

ing calculated for the meridian of the intellects of the lower clafs of people, to appeal to their prejudices, and affail their feelings. Thofe two books did infinite mifchief. Happy would it have been for mankind that they never had been written. The confequences were too well known. The agitation they produced ferved Minifters as a pretext for doing that which they had, from the beginning, intended to do; and on the final overthrow of the Monarch and Monarchy in France, Monf. Chauvelin, the French Minifter, was ordered to quit the kingdom. The Parliament was fummoned—the Tower was fortified—the militia was drawn out, and the Parliament, partaking of the alarm thus raifed, formally voted their approbation of the fteps taken by Minifters. Among thofe who were influenced by this panic, were many refpectable perfonages of the Whig party. They gave their fupport to Minifters—gave it, he was convinced, from motives the moft pure, though, he thought, on miftaken principles. Had they continued to give that fupport, without fharing in the offices of Government, they would not only have acted more to their own honour, but more to the advantage and credit of the caufe they efpoufed—but they had long given their fupport, when it was fuggefted to them by Minifters that they fhould alfo fhare in the refponfibility, in confequence of which they liftened to overtures, and accepted offices, upon terms, which it was afferted by the Minifters, would contribute to the harmony of the realm. Among thofe was the arrangement with refpect to Ireland, refpecting which he would endeavour fuccinctly to ftate to their Lordfhips what he thought and what he knew. He did not like to refer to documents that were not properly before their Lordfhips in an authentic form; but they all knew that a confiderable delay took place in arrangements. Whether that arofe from the difficulty there was in receiving all the new adherents, or in keeping the old ones, he knew not, nor was it material, for the arrangements were at laft fettled. It was then clearly underftood that all reftraints on the Catholics, that were not abfolutely neceffary for the fafety of the State, fhould be done away. For the laft forty years, it had been notorious that the Catholics of Ireland had been fuffering under the fhameful feverity of the moft unneceffary, cruel, and oppreffive reftrictions which the darknefs of prejudice could affent to. They were at the mercy of common informers; and they had nothing to refort to for their common comfort and protection, but the connivance of Government. And while it had been thus the vile policy of Minifters thus to be teazing and fretting the Roman Catholics of that country with odious diftinctions about religion, and with political difqualifications, they fhut up from them, in a great

measure, the chance of conforming to the established Church; for it was a well-known fact, that in the compass of many miles of that country, a church was not to be found, insomuch, that it was common for one Clergyman to say another, "You have got a good living, for there is no church in your parish." As to religious disqualifications, he conceived that they could properly arise only from political necessity; when that necessity ceased, the disqualification should end; and as the Popery laws arose from fear of Popish pretensions, which now exist no more, or at least are no longer dangerous, it was unjust, cruel, and impolitic, to fetter a people merely for conscientious scruples of religion. This being the situation of Ireland, he could not possibly suppose for a single moment that the noble Earl should have gone there upon a mission of such importance, with any doubt as to what was intended to be done upon that point. As to the removal of any particular persons from inferior stations, that he considered to be always a thing of course under the discretion of superior personages. He had nothing to say against Mr. Beresford, or any other gentleman; he might be as good a man as his successor, or his successor as good as him; but surely that could be no ground for the recall of a Lord Lieutenant of the kingdom. The noble Duke said, that in a change of Administration he had himself been removed, but he thought nothing of it, because it was a general rule in all new Administrations. Under all these impressions the noble Earl went to Ireland. It was necessary that all parties should be cordially united in one general sentiment; whether it was considered that they were to protect the island from invasion, or to destroy domestic discord. When the noble Earl arrived in Ireland, Mr. Grattan, from well-understood instructions, no doubt, stood forward, and stated that the Catholics were to be relieved. From his justly acquired fame, there was every reason, under all the circumstances, to apprehend that every thing under the new order of things was to be accomplished. That gentleman had stood nobly forward on another occasion as the champion of the Irish cause, and for his successful exertions, the Parliament of Ireland had voted him a remuneration larger than any that Parliament ever voted before to any individual, except to the Earl of Chatham. In this situation did Mr. Grattan stand forward. Parliament heard the tidings with joy, and so did the Public. They voted thanks to the Lord Lieutenant; they came forward with alacrity, and voted much larger sums of money for the public service than ever they had done before. They consented to the most lavish taxation without a murmur. The Catholics, brought to this pitch of expectation, found of a sudden the Lord Lieutenant recalled, and all their hopes vanish.

The cup was suddenly dashed from their lips, and the whole country was thrown into confusion. Thus did Ministers tear open wounds which were beginning to bear the aspect of healing. And here he earnestly deprecated and cautioned Ministers to beware how they adopted any measure that tended to risk the amity which subsisted between the two kingdoms. Some persons might, perhaps, think, that the losses we sustained on account of America, or the loss of America itself, was trifling; but he knew not of any one who would say that the loss of Ireland would not make a dreadful havock to Great Britain and to Ireland. He thought that in this situation the time was come, when the inquisitorial power of Parliament over the conduct of Ministers ought to be exerted. He concluded with moving,

That an humble Address be presented to His Majesty, that he will be graciously pleased to direct that there be laid before this House, such part of the correspondence between His Majesty's Ministers, and Earl Fitzwilliam, late Lord Lieutenant of Ireland, as relates to the motives, and grounds of his recal from the Government of the said kingdom, during a session of Parliament, in which the two Houses of Parliament had voted their confidence in him, and of their approbation of his conduct, and with a munificence unexampled, had granted supplies for the general exigencies of the state.

The Earl of COVENTRY said, he respected the noble Earl whose recal was the subject of discussion, as much as any of their Lordships could, but he could not assent to the present motion. He had understood that a charge should always precede a defence. He had heard nothing against the noble Earl, and therefore he thought it unnecessary to take this measure. He apprehended that their Lordships ought not to interfere in this case, for it was a matter resting entirely on the prerogative of the Crown. Suppose His Majesty were to change his Ministers to-morrow, would the noble Lord who wished this business to be investigated promote a parliamentary inquiry? The noble Earl went to the Government of Ireland with as fair, honourable, and distinguished a name as ever man possessed, and he thought he had returned unsullied; why then call for an inquiry that would involve the discussion of Cabinet secrets? For these reasons he hoped their Lordships would dissent from this motion. As to the breach the recall of Lord Fitzwilliam was said to have made, he put it to their Lordships' consideration, whether, if such a breach was made, the motion of the noble Duke, and the discussion in that house, could tend to heal it. Finally, he observed, that the political history of seven years past, with which the noble Duke had edified and entertained the house, deserved their Lordships' gratitude. The excellence, and particularly the novelty

of the information it contained, deserved the thanks of all, and for one had his acknowledgements.

Earl FITZWILLIAM requested the attention of their Lordships for a very few moments. He had been appointed to the high station of Lord Lieutenant of Ireland, from which he had been suddenly recalled; and notwithstanding what the noble Earl had just said, that no blame attached to such recal, that might be his Lordship's opinion; but facts were stubborn things, and spoke strongly. He stood charged, not by words but by facts. There were no Cabinet secrets, nor any secrets in the case. The facts were notorious to all the world; but the motive of recalling him, if this inquiry be not instituted, would remain in darkness. Blame, and great blame too, had been directly imputed to him from various quarters; and such was his situation, that it was only their Lordships to whom he could apply for relief. He called upon their Lordships, therefore, to protect and vindicate an individual, injured and wounded in the tenderest part, his honour and reputation. He hoped and trusted that their Lordships would do him that justice which he required at their hands. He threw himself upon that House for protection, and for that purpose he begged leave to second the motion made by the noble Duke. He pledged himself to prove that his conduct in office had not been merely pure and befitting, but that it had been meritorious. All he asked was, that the cause of his removal should be laid before their Lordships.

The Earl of MANSFIELD said, that the character of the noble Lord (Earl Fitzwilliam) certainly gave a great advantage to the present motion for inquiry. That character, he admitted, always to have been pure and unsullied, nor was it less so in the present moment, than it had been during every period of his life. He meant to oppose the motion entirely upon general grounds. He did not consider the character of the noble Earl as implicated in any charge which called for inquiry. There were two positions, upon which the motion was grounded, which he wished unequivocally to admit, first, the responsibility of Ministers with respect to Irish affairs; and secondly, the right of that House to institute an inquiry in all cases which called for their investigation. In the present case, he contended, that no inquiry was necessary. It was the indisputable prerogative of the Crown to remove Ministers from their situation. To inquire in every instance into the grounds of such removals, would be an interference on the part of that House new in point of practice, and unauthorized by the principles of the Constitution. But there was another more important reason why the present inquiry should not be instituted, namely, the necessity of

secrecy in the conduct of public business. He would state two cases, one of a General, who should be superseded in the middle of a campaign, and the other of an Ambassador recalled, pending a negociation. These two were undoubtedly the strongest cases that could possibly be imagined. But if the persons thus dismissed, should assert that they had been engaged in a train of measures highly beneficial to the Public, when they had thus been stopt short in the middle of their career; if they should loudly demand an inquiry into their conduct, and for that purpose move for all the papers relative to the plan of operations, or the progress of negociation; would the House comply with such requisitions? And was the correspondence relative to the affairs of Ireland less consequential, that it should be exposed on the present occasion? It was necessary for the proper conduct of public business, and in order to keep up a right understanding between the two countries, that the most free and unreserved communication of sentiment should take place between Ministers in this country, and those who had the direction of affairs in Ireland. But could this be the case if every communication from the Minister to the servants of the Public was liable to be brought forward, and made the subject of parliamentary discussion? If such a procedure was to be sanctioned, however the correspondence might retain the name of secret and confidential, it would assume a degree of reserve and caution. Ministers would recollect that they were liable at a future period to be called to account for every unguarded expression, and might sometimes be induced to suppress particulars, which, if communicated, would have been essential to the public service. The noble Earl (Fitzwilliam) had said, that a charge had been brought against his character, and had called upon the House for their protection. If such had been the case, he would then have admitted that an inquiry was necessary, for the purpose of his exculpation. But he contended that the fact of his removal from office, by no means implied any charge against his character. The power by which he had been removed was discretionary; and all that could be inferred was, that there existed between him and His Majesty's advisers in this country, such a wide difference of opinion, as rendered it impossible that they should act in conjunction with respect to the affairs of Ireland. He therefore called upon the House, however much they might be interested by the appeal of the noble Earl, to consult their reason, in the decision of the present question, and to pursue the line of conduct which the noble Earl himself would always adopt from conviction, in preferring the public good to the gratification of their own private feelings. Such were the general arguments in opposition to the

motion: but it might be said that the present difficult and embarrassing situation of Ireland more particularly called upon the House to go into an inquiry. What were the facts to which they were to resort for that purpose? It was necessary that it should be ascertained that Ireland was really in a state of discontent and inquietude, neither of which admitted of any proof that could be brought before the House. A question, though not in the precise terms, yet nearly of the same tendency, as the present motion, had been already proposed to the Irish Parliament, and negatived by a large majority. To take up the discussion then in that House, would be to interfere with the decision of an independent legislature, who were competent to determine upon the subject, and could only have the tendency, as had been remarked by a noble Lord (Coventry) to increase the fermentation, and inflame discontent. In this point of view he could not help considering the motion as highly dangerous and mischievous. Having, therefore, argued the question upon general grounds, and strictly abstained from saying any thing that might admit of a personal application, he should conclude with giving his negative to the motion.

The Earl of GUILFORD said, that from the experience of ten years, he had found Ministers were in every instance determined to resist examination, and obstruct inquiry. Notwithstanding, therefore, their boast upon a former occasion, that whenever the subject of Irish affairs came to be discussed, they would be bound to prove that no part of the blame attached to them, he had then supposed that they would take some means to evade an inquiry, and in the event he had not been disappointed. It was not indeed necessary to go into an inquiry to vindicate the character of the noble Earl; that, as had been admitted, still remained pure and unsullied; not from the circumstance that no attempts had been made to take it away, but because the efforts of a few individuals had been found insufficient to prevail against the testimony of his whole life, and the general integrity of his conduct. But a question of much greater importance than the life or honour of an individual was now at issue; the interests of both countries called loudly for an inquiry, and were deeply involved in the decision. The House were bound, from motives of duty and of honour, to go into the inquiry which was now demanded. If it was found, that the mischief had arisen from the presumption and contumacy of the Lord Lieutenant, it was fitting that he should be punished; and if, on the other hand, it had proceeded from the duplicity and treachery of His Majesty's Ministers in this country, the infamy of their policy ought no longer to be concealed. The necessity of state secrecy was urged in oppo-

fition to the present motion for inquiry. But could they teach the people of Ireland any thing which they did not at prefent know and feel? Were not they already in poffeffion of the facts which would form the bafis of difcuffion? But it had been faid that it was the prerogative of the Crown to difmifs all officers, and that it was not part of the duty of that Houfe to inquire into the grounds of their removal. It was the prerogative of the Crown to declare war; it was the prerogative of the Crown to conclude treaties; and was that any reafon why the Houfe fhould not difcufs the juftice of the one and the policy of the other? In the prefent inftance a Lord Lieutenant of Ireland had been removed, in poffeffion of the almoft unanimous approbation and confidence of the people. Expectations which had been raifed in a very numerous body of the community, with refpect to the adoption of certain meafures, had been grievoufly difappointed. The confequence had been to produce in the people of Ireland difcontent and diftruft, if not alienation and defpair. Was it not fitting that the Houfe fhould inquire who were the authors of this calamity? Were they not bound by the ftrongeft ties of honour to avert from the country the reproach of fuch a conduct, and to prove to the people of Ireland, that only a few individuals, and not the Englifh nation, were really their enemies? But he was told that an inquiry would be dangerous. Every inquiry, he admitted, was attended with fome degree of danger; but it was only to thofe whofe mifconduct had produced the neceffity of inveftigation. Thofe only were endangered by inquiry, who had occafioned danger to the Public. He could not conclude without taking notice of fome letters that had been given to the Public by his two noble friends (Fitzwilliam and Carlifle) and which there was every reafon to fuppofe authentic. In thefe letters the noble Earl (Fitzwilliam) attributed the whole of the bufinefs to an intention of the First Lord of the Treafury to degrade and annihilate the whig party; fuch is the fcheme which he fuppofes him to have purfued in the whole of his conduct with refpect to Ireland; and of which his other friends had become fo egregioufly the dupes. There is, however, no reafon to fuppofe either this fyftem of dupery on the part of Minifters, or of credibility on the part of his friends. All that had happened had followed in the unalterable order of things. Could the noble Earl expect that the principles, which he, and thofe with whom he had acted, had given up in this country, fhould revive and flourifh in Ireland? Could he expect that the fyftem, which had been fo long contended for, and at laft abandoned in the one country, fhould without oppofition be adopted in another? When an Octavius had been found to defert a Cicero, might it not be fuppofed that there

would not also be wanting an Anthony to countenance and assist in the sacrifice? the evil was now perceived too late. That whig party, which had so long stood as a bulwark against the corrupt influence and unconstitutional attempts of Ministers, and which the noble Earl by his desertion had contributed to destroy, could not be built up again. What else could be expected under the administration of a man who had founded his maiden fame on the desertion of those very principles with which he had set out in life? Lord Guilford concluded with giving his most hearty assent to the motion for inquiry.

Viscount SYDNEY differed in opinion with Lord Guilford. In the course of his political life he had often seen Ministers dismissed, yet their dismissal had never been the subject of any parliamentary inquiry, and the prerogative of the Crown had never been questioned. To one very celebrated dismissal he begged leave to allude in a more particular manner, the dismissal of the late Earl of Chatham, then Mr. Pitt. In the Gazette it had been notified that Mr. Pitt had given up the seals by His Majesty's command. Here was an official ground of inquiry, and yet though parties ran high at that time, it did not occur to any one to ask His Majesty by whose advice Mr. Pitt had been dismissed. He had remembered when a boy, a whole Administration removed in a period of war and rebellion, and yet no person had suggested the necessity of calling upon the King to state his reasons for such removal. Into the present situation of the kingdom it was not his intention to enter, but there could be no circumstances in which an investigation would be more improper than in the present; for what must be the subject of the discussion of the House? A subject now before the independent Legislature of another country which had not pronounced any decision upon it. Where, he begged leave to ask, had the noble Duke learnt to treat the clergy of Ireland in such a manner? Their conduct, he had every reason to believe, was far from meriting such a severity of animadversion. In conclusion, his Lordship said, that he did not wonder at the wish expressed by Earl Fitzwilliam for an inquiry, but to those who did not feel the same prejudices, honourable prejudices he would call them, as the noble Earl, it could not but appear that an inquiry was unnecessary.

The Duke of NORFOLK said, that he by no means meant to pass any censure on individuals; he only adverted to a notorious fact, the neglect of parish duty in some parts of Ireland; of this fact he could bring many witnesses, and if their evidence should not satisfy the noble Lord, he could adduce the testimony of his own experience, from a residence of two years in that country.

The Duke of LEEDS ſaid, that he agreed perfectly with the noble Lords who ſtated that it was an undoubted prerogative of the Crown to appoint and diſmiſs its Miniſters and ſervants, of every deſcription, even without aſſigning any cauſe, but he could not admit the inference which was drawn from that fact, viz. that any inveſtigation propoſed by that Houſe, when it appeared to them to be neceſſary, was an infringement upon that branch of the prerogative ſo juſtly ſtated, and ſo particularly contended for that day. On the recall of a Lord Lieutenant of Ireland, as a mere matter of fact, it might be improper to go into any inquiry reſpecting the cauſes; but when that fact was attended by circumſtances of an extraordinary and unprecedented nature, which the diſmiſſion now in queſtion notoriouſly and avowedly was, he thought it became the dignity and the wiſdom of that Houſe to inſtitute an inquiry of the nature propoſed by the noble Duke. This was a duty which they owed both to the character and ſituation in which a Member of the Houſe was placed, and to the country at large. The peculiar and intereſting ſtate of Ireland at the time, and the ſudden and extraordinary recall of a Governor who ſeemed to poſſeſs ſo much of the confidence and eſteem of the whole people and Parliament, were topics upon which the public mind was greatly agitated, and upon which they had a right to call for ſome ſatisfactory explanation. For this reaſon it was that he could not allow himſelf to give a ſilent vote; and as the noble Duke's motion went only to papers which related immediately and ſolely to the cauſe of the recall, and not to any of the ſecrets or official meaſures which produced that cauſe, he was ſurpriſed that any objections could be made to it. In his opinion, juſtice to the character of a moſt univerſally reſpected individual, a wiſh to aſcertain, if blame there was, where it ought to be laid—and the ſatisfaction that was due to the Houſe and the nation, all pointed out the propriety of the motion; he would therefore give it his hearty aſſent.

The Earl of CAERNARVON ſpoke decidedly againſt the motion, as equally improper and unneceſſary. He contended for that branch of the prerogative, by which the King may appoint and diſmiſs his ſervants without aſſigning a cauſe, as eſſentially neceſſary to the welfare of the Conſtitution; and that every attempt to infringe upon it ought to be reſiſted in the earlieſt ſtage. He denied that any diſgrace or diſreſpect could attach to the noble Earl from his recall; on the contrary, there was no charge whatever made againſt him, and therefore he was not called upon for any defence. The noble Earl had certainly gone to Ireland with a moſt ſpotleſs reputation, and he had yet heard nothing that tended to ſully it by

his return; he for those reasons must vote against the noble Duke's motion.

The Earl of MOIRA said, he had come down to the House that day full of the most anxious curiosity, to know what turn the discussion would take, and what line of conduct Ministers would follow. It was his wish to have heard Ministers, when they had already shifted all blame from themselves, give some sort of evidence or argument why it ought to be attached elsewhere; that blame did exist somewhere the notorious fact of the recall of the noble Earl fully demonstrated, and the Public had a right to be satisfied on the subject. The noble Earl had fairly, boldly, and honourably courted an investigation into his conduct, and it equally became His Majesty's Cabinet Ministers to be ready on their part to meet the noble Earl's challenge, and put the House in possession of such information as might enable them to form a right and true judgement upon the question now so notoriously at issue between them and the noble Earl. The union and harmony of Ireland, in its relative situation with this country, was so desirable an object, that as every thing which tended to promote that union and harmony ought highly to be encouraged, so every thing which tended to interrupt it was most dangerous in its consequences, and studiously to be avoided. He deprecated an idea, which had been repeatedly thrown out, that any investigation of the nature proposed was a direct interference of this country with the Legislature of Ireland: it was no such thing, but, on the contrary, it was a discussion which that country looked for, and had a right to expect, as one in which the dearest rights of both kingdoms were involved, and which it was the duty of both to see fully and fairly investigated. He agreed, as every body had done, in the opinions stated by different Lords respecting the prerogative of the Crown; but, admitting the extent of that argument, he still must insist, that, in extraordinary cases, and all such as the House might deem so, the prerogative of the Crown, and the manner in which it was exercised, were fit matter for the cognizance of that House: that such cognizance should be proceeded on only when dictated by sound discretion, he was ready at all times to allow; but, if ever there was a case where sound discretion called for investigation, and a recognition by Parliament of the exercise of such prerogative, it was the particular case now before the House. All the danger that had been dreaded by some people, he considered as visionary and unfounded. With regard to what had been said respecting the power of appointing and dismissing the servants of the Crown, he must answer, that this was no common dismissal of a Secretary of State, or any ordinary Minister of the Crown, neither

were its consequences so trivial and unimportant. He begged their Lordships to consider the extremely critical situation of Ireland at the time the noble Earl was appointed; the great satisfaction that his intended measures had given to that country, and the unanimous support that he had experienced from the Parliament and the people, and then let them observe the extraordinary and unprecedented circumstance of the noble Earl's being withdrawn from the government of that country in the midst of the most important business that could occupy the attention of that kingdom, and while he had just proposed, and was carrying on measures so truly honourable to himself, auspicious to the interests and prosperity of Ireland, and so conformable to the wishes of people of all descriptions, both there and in this country. Under those circumstances could this be reckoned an ordinary dismissal; or rather were there not involved in it such serious consequences as demanded every possible investigation, and every explanation that could calm and satisfy the public mind? Much shyness was pretended in some quarters, respecting the delicacy of the subject and the noble Earl's feelings; but such observations, in his mind, came with a very bad grace from Ministers. What delicacy could they pretend to, after the manner in which they had treated the noble Earl? The very circumstance of recalling him in the way they did, carried with it a degree of disgrace and supposed criminality which no delicacy now, nor any thing but a fair inquiry, could possibly do away. The noble Earl had come forward with the facts, and was ready to defend himself in his place; let them stand up likewise in their own defence, and prove to the House and to the country that blame was not imputable to them. The noble Earl had been accused of bringing forward a measure improperly, called the Emancipation of the Roman Catholics; but whatever propriety there was in that measure, and he believed it was universally admitted to be a wise and politic one, the noble Earl had asserted, and was ready to prove, that it was not the cause of his dismissal. All the other measures of his Government, equally tending as they did to the satisfaction, the tranquillity, and the prosperity of the country, he was ready to answer for. He had been joined, as soon as his intended system of government was known, by that great man, the able and tried friend of his country, Mr. Grattan, who had supported his administration not in the ordinary way of supporting administrations, by accepting of places of great rank and emolument, but without asking for any share in office, but merely because the noble Earl's system of government in that country for the first time was directed to the great object the good of the people, and was going on hand in hand with their safety, their prof-

perity, and every interest connected with their relative situation with this country. On the Catholic question, and indeed on almost every [illegible] that had been entered upon, full three fourths of the country not only were with him, but had proposed and strongly solicited the measures which he seemed inclined to follow, and the other fourth never thought of opposing them. If their Lordships would but think for a moment on the noble Earl's situation personally, if they recollected his own stake in that country, his great estate, his high rank, and still higher reputation, and the wish he must have felt to preserve unsullied that character and estimation in which he was so justly held by all his countrymen—could they for an instant suppose that his conduct was dictated by motives of vanity or ambition? Certainly not. It must be evident to all who were able to make such observation upon the subject, that it was not a desire of momentary popularity, but a conviction that he was acting for the security of the country, which induced him to follow those measures which were best calculated for that purpose. One leading feature in his administration, was an early and uniform disposition to correct, by every possible means, those gross abuses which were known to have prevailed in former administrations, which could not be denied, and which had disgraced and degraded not only those who committed them, but the very name of the country in which they were suffered to exist. In this country, as in all governments, there might be suspicions of corruption; there all suspicion was out of the question; corruption was manifest, notorious, and not even attempted to be concealed; here, when it did exist, much pains were taken to mask it under some disguise; there, corruption like a common prostitute stalked about unveiled.

Lord ROMNEY called the noble Earl to order; he feared that such language might be received as an insult upon the legislature of another country.

The noble Earl then proceeded—animated as he felt himself by his subject, and possessing such complete knowledge of the facts he had stated as he did, he perhaps might have been betrayed into a warmth of expression that induced the noble Lord to call him to order, no doubt justly; he would therefore endeavour to keep clear of the same fault again, though he was persuaded that the noble Earl's system to which he had alluded, was one of the most important, most material, and most salutary measures of his administration. On this subject of the corruption which had prevailed in Ireland, he was not merely giving his own opinion, it had long since roused the general and glowing indignation of the whole country, being as notorious as it was uncontradicted. One gentleman's name had been

introduced into the debate (Mr. Beresford) for whom he entertained a very high respect, and did not wish to insinuate any thing that could look like a censure upon his conduct; but though he said this, he might fairly add, that he saw no impropriety in his removal. No charge of corruption, that he knew of, had ever been made against that gentleman; yet there was a degree of suspicion attached to him that made his removal from office necessary. When noble Lords stated, that the present state of that country bore no symptoms of dissatisfaction, he rather thought they asserted too much; otherwise he should be glad to know how they could prove it. Did they suppose that because there were no riotous insurrections in that country, that the people were satisfied with the late transactions? If they did, he would answer, that from the silent disgust which prevailed in that country, he dreaded more danger and worse consequences, than from insurrections, and consequences that tended more to interrupt that union and harmony so essentially necessary to the interests of both countries. His Lordship adverted to the fears and alarms, in his opinion groundless, that had been entertained from the introduction of French poison, and French principles, which had been made the cause of all the distresses under which the country now suffered. From these he thought much less danger was to be apprehended, than from the critical state of Ireland; he would then ask, whether this danger did not proceed from the extraordinary and sudden recall of the late Lord Lieutenant? It certainly did. The proceedings of different meetings, and the addresses from all parts of the country, even where the Protestants had the ascendancy and influence, as well as from different corporations, cities, and counties—all shewed their dissatisfaction and fears of dangerous consequences from this recall. There might be those who so much despised all proceedings of those public meetings, that they would not allow that the sense of the country could be judged of from that criterion; they might, however, be constant attendants at court-levees, and, if they were, he would refer them to St. James's, and there they would find that, not content with conveying their sentiments on the grievances they suffered, through the medium of their representatives in Parliament, they came forward from all parts of the country, with addresses to the Throne. Was this a time to be careless about offending the people of that country?—Was it a time to withhold from them what they so much wished, and what was so essential to their happiness and their security—a time when they had afforded to this country a great addition of strength, and had granted, with unexampled munificence and liberality, such liberal supplies?—When, in return for a promised boon, they had given us great additional and effectual

support, was it prudent to shew them how little they had to depend on our justice—how much they had to dread from our indiscretion? His Lordship addressed himself to those who spoke so highly of the noble Earl, and denied that any charge was made against, or any blame attached to him; and asked them if there was no disgrace, no dishonour in his recall, under the circumstances, and at the time it took place? He considered that way of speaking to be extremely futile; mere vain compliments thrown out as a set-off against serious and substantial charges. That such charges had been made, he stated with confidence, from printed papers which they had all seen, and the authenticity of which he had every reason to admit. He pronounced a handsome panegyric on the public and private character of the noble Earl, with whom he declared he had held no communication as to the part he had taken that night; and if Ministers resisted all inquiry, and refused information on the question at issue between them and the noble Earl, he must attach to them all the blame with which they had hitherto wished to load the noble Lord; and, what would fall still more heavily upon them, all the dangerous effects that were to be dreaded from their indiscretion. He concluded with giving his support to the noble Duke's motion.

The Earl of WESTMORLAND denied that there was any corruption in the government of Ireland, or, if there were any, he was assured the corruption was not greater there than here, or in any other country. Referring then to the papers which had been published, he begged leave to say a few words upon them, so far as they related to those gentlemen in office who had served under his administration. The noble Lord observes, when speaking of Mr. Beresford, that "he filled a situation greater than that of the Lord Lieutenant; and he saw that if he had connected himself with him, it would have been connecting himself with a person under universal heavy suspicions, and subjecting his Government to all the opprobrium and unpopularity attendant upon his mal-administration. What was then to be his choice?—what the decision he had to form? He could not hesitate a moment; he decided at once, not to cloud the dawn of his administration by leaving in such power and authority so much imputed malversation." What situation it was Mr. Beresford filled so much greater than that of the Lord Lieutenant, Lord Westmorland professed he could not understand. During his administration in that kingdom, he was not apprised of any party which Mr. Beresford could so powerfully controul, nor did he believe that either he himself or his family had acquired such astonishing authority. If he held any influence, it was the influence of an active and able man, who was zealous in the service of his King,

and the preservation of the peace and tranquillity of his country. Yet this gentleman, so faithful, so vigilant, so indefatigable in his services, is accused of labouring under universal heavy suspicions, opprobrium, and unpopularity, attendant upon his mal-administration and his malversation. These were serious words, and serious charges to be brought against a man of an unblemished reputation, and who had conducted himself in his "high office" with so much honour and fidelity. But how did the noble Lord obtain this information? He landed only on the Sunday, and could not consequently give an audience till the Monday, and yet, upon the Wednesday following, he had acquired such a complete and thorough knowledge of Mr. Beresford's unpopularity and malversation, as to determine to dismiss him. Did he make his inquiry at the Custom House? or did he content himself with partial information, and exclusively receive this report of Mr. Beresford from his political enemies? Three days was a short time for such investigation, and yet, short as it was, the time the noble Lord employed was apparently still shorter; for when the Marquis of Waterford left Dublin on the Wednesday, there was no rumour whatever, nor the most oblique suggestion that his brother was to be discharged. How the noble Lord could justify himself, would have been problematic, if the noble Lord had not proceeded to disclaim every idea of personal injury, and to state that he offered sufficient recompense by a pecuniary compensation. What, is not an attack upon the character of a man an injury? To say he is under heavy suspicions, to accuse him of mal-administration, malversation, and unpopularity, is this no injury, or can any pecuniary compensation alleviate such charges? Does any person, who knows the honour of the gentleman and his family in question, suppose it can be done? If his character were, as it is represented, so notoriously bad, it would have been the duty of the noble Lord to have removed him without giving any compensation; and if on the other hand it be so good as it really is, could the noble Lord imagine that to deprive a man of his office and his dignity, to deprive him of serving his King and country with the zeal he wishes, and to deprive that King and country of such a useful servant, could be atoned for by any pecuniary compensation? Lord Westmorland next adverted to a still stranger discovery, a discovery which had not only escaped him, but his noble predecessor the Marquis (Townshend). He alluded to what had been alledged against Lord Fitzgibbon, and he observed, that it was not mere official language, but such as had appeared in every newspaper. Yet, who was it, he asked, that in 1782 defeated the propositions? Who stood by England at the time His Majesty's Ministers were

almost totally deserted? Who was it that had always manifested a [illegible] solicitude for the unity of the Crown but Lord Fitzgibbon, that upright judge, and faithful Minister? As to what the noble Lord had stated about the provision for the Attorney General when he retired, Lord Westmorland begged leave to inform their Lordships that he had himself previously made an express stipulation on the same conditions. An opportunity offered for him to have a Chief Justiceship when he could not afford to part with him. He therefore secured a reversion for him, whenever he retired, of 2300l. per annum, and he considered himself bound to do it. The next person he noticed was the King's Solicitor General, who had been the object of resentment to every faction; though a gentleman of private estimation, and eminent in his public capacity. Whether any of these gentlemen acted from corruption or not, his Lordship said he should be proud to compare them in honour, ability, and public character, with any of those gentlemen the noble Lord had chosen to succeed them. He now came to himself. The noble Lord had said, that " it was one of his objects, and that a principal one, to bring back consequence and dignity to English government. This was a reflection, Lord Westmorland said, upon his government: He hoped the noble Lord did not design to convey such an insinuation, although it was liable to be so construed. If the consequence and dignity of English government had been lost, how happened it that when he was there he had obtained such universal support? How happened it that he had found a strong and leagued opposition upon his arrival, which he turned over to the noble Lord, weakened to a degree that prevented it from throwing any serious obstacles in the way of Government; he next vindicated Mr. Hamilton upon the score of services, his affability of manners, his address, dispatch, and secrecy, and all the other qualities attached to his situation. How the noble Lord had learned the distracted and disunited state of the country, was the next object of inquiry. Had he learned that too from conversation, for he was sure it could not be by any other means. He found the Parliament unanimous, no seditious meetings, no inflammatory harangues; the people loyal and industrious, an increase of revenue, a flourishing commerce, and a prevailing harmony throughout the Kingdom. If the country had been in that distracted state in which it was represented, how came these circumstances? Or was it not deemed necessary that this spirit of disaffection should be checked by an army? Yet the army was removed, and though the country was in this distracted state, and the people so disunited, we never heard of any of those fatal and alarming consequences which usually attend a rebellion. Of the

supply which had been granted, the noble Lord had been particularly mindful; yet the supply of the preceding year had been [illegible] as much, or, if not quite so large, as much as the country could spare. Was it for a peculiar set of gentlemen in office, or for the emancipation of the Catholics that this extraordinary supply was granted? Every Protestant gentleman in the country contributed an equal share, and they granted it not for any interested purpose, but because it was wanted; and if three times as much more were wanted, it would be granted with the same promptness and good will.—His Lordship was aware, indeed, that an attempt had been made to excite disaffection by imaginary grievances; but it was merely an attempt, and it failed. Another argument the noble Earl had urged in support of his measures was, that he had made the war more popular.—Who said it had ever been unpopular in Ireland? The opinion of its necessity was more strongly impressed there than in this country, and some reasons were to be assigned why this should be the case. The Irish were alarmed, like every other nation, at the cruel and rapacious excesses of the enemy: They suffered no inconvenience from the war, but, on the contrary, a progressive advantage; for the exportation of their corn and provisions was increased; and thereby, as their commerce was not impaired, (for by the good care of the Lords of the Admiralty, not an enemy's cruizer was to be seen in the Irish Channel) they gained an increase of revenue also. His Lordship proceeded to the next question, that of the Catholic emancipation, and how far Lord Fitzwilliam was authorised to inculcate it. For his own part, Lord Westmorland confessed he had always considered it as impolitic and inexpedient, nor could it have been brought forward in a serious manner except by Government. It had been a question the preceding summer who was to rule as Lieutenant; and that question evidently proved, that no fixed opinions had been formed upon that subject.—The Catholics had received concessions, for which they were very grateful; and except they were urged by others, they would not have attempted to disturb the public tranquillity. Lord Westmorland supposed that the noble Earl had not been authorised to proceed in the question, because he had acknowledged that he had been directed to keep it off. Relative to his own opinion, he observed, the opinion of an individual Cabinet Minister was no more than the opinion of any other individual, nor could it prevail any more than the opinion of a Secretary of State for the Foreign Department could for a peace with the French Republic, without his colleagues. How far he had endeavoured to keep the question off was easy to be seen, from that encouraging language which had been always given to the Catholics.

What were the distinctions the noble Earl intended to abolish?—Did he ever read the Act of Settlement? If he had, he would find, that any Prince in this country who acknowledges the supremacy of the See of Rome does *ipso facto* immediately forfeit his inheritance of the Crown. Now, by the distinction of the Act of Supremacy and Uniformity, such an emancipation as was proposed would be construed a reconciliation for holding communion with the See of Rome. By the Articles of Union too, the King is bound to maintain the Protestant establishment, and this is not a time to trifle with the civil or ecclesiastical establishments of our ancestors. Let us remember the coronation oath, to preserve the true profession of the gospel, the Protestant reformed religion, and the rights and privileges of the Bishops, and then ask, whether it would be wise, prudent, or safe in the King to forswear himself, and so violate the acts he ought to sanction. James II. adopted a similar policy to that which was lately proposed, and we then witnessed the consequences. Why may not similar causes produce similar effects? Consider to what a dilemma the King is put; he must either refuse the wishes of a great part of his people, or subject the Act of Settlement to strange interpretations. Proscription and persecution have been complained of among the Catholics since 1793. Is this true? Are they not received with equal favour as the Protestants, and do they not enjoy the same impartial justice and mercy? In regard to their hopes and expectations, corollary evidence will be sufficient to prove that no measures were offered to indulge them. In such a case no Minister could have been so indiscreet as to direct a Lord Lieutenant, as I was directed, to state, that the Government which would succeed me would be a continuance of the King's Administration, whereby all jealousies and distinctions were disclaimed, and parties put out of the question. Could any thing be more fair or honourable, or could any thing else be expected of Mr. Pitt? After some compliments to the uprightness, abilities, firmness, and good conduct of Mr. Pitt, who never delivered any of his coadjutors to dismissal, neglect, and disgrace, his Lordship affirmed, that a gentleman had assured him a conciliation with the Catholics would take place, which he afterwards repeated, when Mr. Pitt said, he was mistaken, and informed him upon what conditions the noble Earl was gone; for His Majesty's Ministers concurred with him in the idea that such a conciliation would be fatal to the honour of the King, and perhaps tend to produce a separation of the countries. So far Lord Westmorland said he was instrumental in the transaction, and he was happy to be so.

The Marquis TOWNSHEND rose, he said, in consequence of the call made by the noble Earl, who spoke last: he could truly say of Mr. Beresford, that when he was in Ireland, and at that time he was not connected with the gentleman, he knew of no man more zealous, active, and earnest in the service of Government, nor of one who was more disinterested, for he had looked always with a steady eye to the promotion of the revenue, and had no greater attention to his own interests and those of his family, than was paid by every man who entered into the service of the Crown in both countries.

The Earl of MOIRA replied to the answer which had been made to his observation on the general corruption of the Irish Administration. Surely, though the noble Earl had been Lord Lieutenant of that kingdom, and had received the salary annexed to the office, it could not occur to him that he was implicated in the detail of the corruption of the country.

Earl FITZWILLIAM said, that if he had before conceived that the Catholic question was not the genuine cause of his recall, he was now convinced of the fact. The noble Earl had returned from Ireland, according to his own account, only with the intention to govern it more securely. He had declared that he had, even before his return, Mr. Pitt's promise that his friends should not be removed from their situations, and he had no sooner set his foot in England, than he had procured these promises to be renewed, and had taken care to embarrass the new arrangement of the Administration. To this, in so many words, did his own account of his conference with Ministers tend. And it certainly was most perfectly true, that the noble Earl had taken all the measures in his power to embarrass the future Administration in Ireland; for what other purpose could the granting a reversion for two lives of a place of 2300l. a year to Lord Fitzgibbon serve? He had not been two days in Ireland before he discovered what the noble Earl now owned to be the case, before he was convinced of his intention to embarrass the King's Government, and that a very perfect system had been formed with the Ministers at home for accomplishing that end. That which he had sensibly felt in Ireland, was now avowed in England, and it seemed there was no hesitation in acknowledging the course which had been previously arranged. Now, however, that he was returned from Ireland, with the favour of the people of that country, he should not follow the example that had been set him, he should not be a factious interferer in the system of his successor. He should not intrigue either publicly or privately; all that he should do was what he felt to be his duty to perform—to support

the character of those honourable men with whom he had been most immediately connected in Ireland: He should pay no regard to all the loose and vague insinuations thrown out against himself, some of them borrowed from his own words, and some of them taken from the words of others, but artfully jumbled together to make them appear all his own. But for the character of the honourable men with whom he was connected, he was bound to stand up, and he declared that men of more pure honour, disinterested spirit, and zealous patriotism, there did not exist in either country. They had conciliated the affections of the Irish people to the Crown—they had restored harmony to the kingdom—they had reconciled all the jarring discords, and from the North to the South, from the East to the West, had brought the whole people of Ireland to be an undivided family of brothers, and had animated this large body with a spirit of loyalty to their King, and of affection to the sister kingdom, from which had followed exertions for the common cause unprecedented in the history of the nation. To the efforts of those great and good men he owed all the popularity which he enjoyed in the country; and not only he, but Ireland itself, was equally sensible of their virtues; for in the many addresses from every district and community of men in the kingdom with which he had been honoured, and which he could shew their Lordships if it were thought necessary to prove a fact which no man, he believed, would dispute, he was thanked for two things; for calling to his Councils, and acting by the advice of men, whose virtues were so universally known and felt, and for the system which he had adopted. A man more universally beloved, and more deservedly so than Mr. Grattan, there did not exist in Ireland; and it was the peculiar fortune of that gentleman that his unalterable attachment to English connection, his unremitting pursuit of the happiness of Ireland, his disinterested zeal in the service of his native land, which he ever combined with ardent loyalty to the Sovereign, were exalted and made more conspicuously useful, by the unrivaled talents of his mind. This honourable gentleman's services, the noble Earl himself must acknowledge, when, at a very arduous moment, he came forward to the support of Government, and, at the commencement of the present war, by his grand and animating eloquence, had brought over the people to the approbation of it; and certainly the war was not popular in the kingdom until he had made it so, whatever the noble Earl thought on the subject. The people did not see in it the light of a common cause, until inspired by him, and until he taught them to feel that their true and best interests would always be to stand or fall by Great Britain. Such was his patriotic argument, such was his successful

eloquence!—"and for having connected myself," said Lord Fitzwilliam, "with this gentleman, was I dismissed; for it was obviously on that account chiefly that I incured the hostility of the English Minister."

Another honourable friend (Mr. Ponsonby) had certainly more weight and influence than any other gentleman of family, or perhaps than all the other families put together, and his services to Government were truly advantageous. He had been in office; he had been dismissed from office before now; but he had not come factiously over to England to complain of such dismission, and to intrigue against the existing Government, on account of his having lost a place. He did not presume to think that there was any injury in a public servant of the Crown being sent back to the mass of the society from which he had been drawn: he did not think that he held that office in fee, and that it was an absolute inheritance from which he could not be driven. These were the new notions which were reserved for the present day, and upon which he had been made the victim of Cabinet intrigue. Since the coalition in July last, many instances of dismission had taken place, though his conduct alone in dismissing persons in whom he had not confidence had been arraigned. He had incurred much obloquy on this ground. The dismissal from office on account of it, with the loss of its authority and patronage, he perfectly knew how to despise, but he was sensible to the attack upon his character. A noble Earl, his friend, (Lord Carlisle) who did not approve of his conduct in this respect, but whose friendship he was sure he possessed, had kindly made known to him all the calumnies which were spread here against his character, and made him feel the necessity of refuting the insinuations which were so industriously spread against him. And yet were there not many instances of alteration in office taking place without any inquiry? Had not Admiral Gardner been removed from the Admiralty Board, Admiral Affleck, and Lord Hood? And was it not evident that Ministers must have the power of nominating friends in whom they had intimate personal confidence to the situations under them? Without such arrangements, business could not be transacted. When a man undertakes an office, for the duties of which he is responsible, it is obvious that his efforts must be seconded by men who possess his full esteem. Such, said the noble Earl, was my feeling with respect to Mr. Ponsonby. He is the man, of all Ireland, who has done the most to keep up the connection between that country and England. His whole life has been honourably devoted to that service; and therefore his claims on any Administration desirous of preserving the unity of the Empire, were irresistible.

And it was not his own merits alone that he had to plead: his father, his grandfather, and indeed all his anceſtors, had performed ſuch eminent ſervices to the Crown, as gave him a diſtinguiſhed claim to Royal favour. We were not yet ſo perfectly Jacobinical, nor were the French doctrines yet ſo eſtabliſhed, as to refuſe to any man the claims of anceſtry. The father of Mr. Ponſonby had particularly diſtinguiſhed himſelf by diſintereſtedneſs, as well as by active ſervice; for when he found reaſon to relinquiſh the Speaker's chair, and to reſign his other places, he retired with no penſion, place, nor reverſion for himſelf, his wife, his ſons, and his relations; he retired to his own limited patrimony, to enjoy the conſciouſneſs of rectitude with the bleſſings of his country. Another branch of the ſame family, he was accuſed of having an intention to bring forward, Mr. George Ponſonby. A man more eminent in his profeſſion was not to be found. He had been ſent for to England to conſult with Miniſters on the arrangements to be made, and it was fully and perfectly underſtood, that his great and uſeful talents were to be employed. With reſpect to the material queſtion in this diſcuſſion, it had been ſtated by the noble Earl, that as far as he could preſume to know, I was bound to carry on the ſyſtem which had been acted upon with the aſſiſtance of the old friends of the Adminiſtration, and that they were not to be diſmiſſed.—"To this I anſwer," ſaid Lord F. "that the direct reverſe was the fact. I went out expreſsly authoriſed to complete the meaſure of 1793; that meaſure originated in England, and when the coalition took place in July laſt, every Catholic body in Ireland naturally looked to the completion of a ſyſtem by the men who had begun it, which would accompliſh what they called their emancipation.—Surely a noble Duke who made an eſſential figure in that coalition, could not entertain the idea of carrying on the affairs of Ireland on the ſyſtem which had formerly prevailed; and whatever the noble Earl (Weſtmorland) might think of the merits of his adminiſtration, it was not regarded as one worthy of approbation, or fit to be perſevered in by that noble Duke or his friends. The preſumption, therefore, is, that the old ſyſtem was not to be purſued; and ſuch alſo was the fact. But, ſays the noble Earl, has the King power to grant emancipation to the Catholics? Did he not give his royal aſſent to the act of 1793, which reſtored them to their rights? And could it at this day be a queſtion, whether the diſcipline of the Church, Tranſubſtantiation, the form of kneeling or ſitting, or ſtanding to take the Lord's Supper, could endanger the ſafety of the State?—No!—No!—theſe alarms were gone by, and now it was felt that there could be no danger to the State but from political doc-

trines. In fact, the religious tests in former days were only required as evidences of political creeds; and now that the occasion which gave them birth was past, they ought to disappear, together with all the injurious distinctions and petty animosities which they had engendered, in order to make room for the fair distribution and tranquil enjoyment of equal rights. When I undertook the arduous station of Lord Lieutenant of Ireland, let it be remembered that it was in the hour of danger. The common enemy, with an activity which had surpassed the common march of war, had added provinces after provinces to their dominion. I had scarcely set my foot on the Irish shore, when, not a province only, but a whole state, the most important state in Europe as an ally of England, had been added to the empire of the enemy; nor even was this all. I had scarcely set my foot on the Eastern coast of Ireland, when the news was brought me that the Western coast of the kingdom was threatened by 36 line of battle ships of the enemy, and that the whole kingdom lay at their mercy if they chose to make a descent. This state of peril did not last only for a day, or for a week—it continued for a whole month, presenting to Ireland, and to all the world, the French the undisputed masters of the sea, even so recently after the glorious victory of the 1st of June. Such was the state of Ireland on my arrival, when I applied to the first men in the kingdom, through them to arouse the whole energy of the nation, to inspire them with one common sentiment of love to their King, and to unite them in one firm resolution of defending their country.—If, in such a moment, my hands had been tied, and that I could not call forth the best abilities of the nation, in order to arouse and incorporate the whole, could I have hoped for success; and, with common discretion for my guide, is it likely that I would have attempted it? I had the power—I exerted it—and I have the thanks of every part of the kingdom. Go to St. James's, and you will find that I brought with me the regret of the people of Ireland. But I am recalled; and I am told that no blame is thrown upon me. They say that there may be no blame on the one side, and no error on the other, yet you all know what insidious pains have been used to stigmatize my character. It is to discover the truth that I support the motion of the noble Duke. It will bring the whole matter before your Lordships, and enable you to decide fairly between us. I ask for no more than your impartial decision."

Lord GRENVILLE said, that much had been said in the course of the debate to which, for obvious reasons, he should decline making any reply. It was the undoubted prerogative of the Crown to dismiss Ministers, whatever might be their character, and however

high their situation, without publickly assigning the reasons. There might be cases in which their Lordships would think it their duty to call for the confidential communications between different branches of administration; but such cases rarely occurred; and when they did occur, their Lordships would discuss the business with the whole of the information before them. It was not for Ministers, before the information was called for by the House, to disclose what, by their duty and by their oaths, they were bound to keep secret. By this rule he should be guided, notwithstanding any inducement to the contrary; notwithstanding the strong inducement held out by a noble Duke (Leeds), that the refusal of Ministers to go into the inquiry must be followed by the conclusion that they were to blame. When the noble Duke was a member of the Cabinet he did not so conduct himself. He then felt the propriety of suffering charges to pass unanswered, when he knew that a single word, but that word of a nature not fit to be disclosed, would have cleared him. For his own part, he had often done this; and he did not believe that the inference of guilt was always to be made from silence; and that if a Minister refused to give all the information required to answer a particular accusation, and his accuser should say, *Habeo confitentem reum;* it would be considered as a serious argument by any man acquainted with public business. The most material part of the question before their Lordships was the fitness of going into the discussion at all, and before deciding upon that, they were called upon to discuss it upon surmises. He would therefore dismiss from his consideration all verbal declarations, all pamphlets and publications of letters, authenticated or unauthenticated, and restrict himself to what he conceived to be the only ground upon which the decision of the House ought to turn. With respect to the insinuation that the blame might be imputable to his noble friend (Duke of Portland), in whose department was the correspondence with Ireland, he would say, in the first place, that no blame was imputable to any of His Majesty's Ministers; and, in the next, that blame, if any there were, was not more imputable to his noble friend than to any other confidential servant of the Crown; for there was, constitutionally, no such thing as government by departments, every Member of the Cabinet being equally responsible for every measure of the Cabinet. The terms upon which men who had before differed in political opinion had agreed to act together, were such as the situation of the country rendered honourable; and although the success of that junction had not been entirely answerable to his wishes, it was great consolation to him that it had been so great as the country, much to its benefit, had actually experienced, independent of the satisfaction he felt from

the opportunity of acquaintance with the character and virtues of men whom otherwise he should not have had means of knowing so well. He had looked anxiously for the proper grounds of such a motion in the speech of the noble Mover, and found only a history of what the noble Duke conceived to be the conduct of Administration since the American war. Did the situation of a Lord Lieutenant of Ireland differ in any respect from that of any other Minister of the Crown, who might be removed at pleasure? His embarrassment proceeded only from not knowing what it was he had to combat. If the noble Lord (Fitzwilliam) complained of his recal from the Lord Lieutenancy of Ireland, he would answer by reminding the noble Lord of the servants of the Crown he had himself removed from office. Were Ministerial places held for life, or during good behaviour? He had been thirteen years in Parliament, and seen the removal of eight Lord Lieutenants without a single complaint to Parliament upon the subject. It was said to be extraordinary that a Lord Lieutenant should be removed during a session of Parliament, and yet three or four of those he had mentioned had been so removed. This had been the practice amid all the parties and factions by which this country had been agitated; and to adopt a new course would be not to support, but to change the Constitution. Nothing could be more dangerous than such a change; for it was not pushing the principle too far to say that if either House of Parliament were to inquire into the causes of dismissing Ministers, the next step must be inquiring whether or not their successors were well chosen, and advising as to their appointment. They would then establish a Committee of Public Safety, or something worse. Their Lordships were not sitting in a constituent assembly to new model the form of Government. He admitted that Ministers were responsible for the advice they gave to the Crown, but before they were called to account, substantive ground must be laid for a charge against them. The House, it was said, must proceed with discretion; but to call for the correspondence first, and then afterwards consider what use they would make of it, was not to proceed with discretion. He enlarged on the danger of discussing the Catholic question in that House, upon which the independent Legislature of Ireland might already have come to a decision. On whatever side that decision might be, what would be the consequence, if their Lordships' decision should happen to be different? Was it fit to hold out to the people of Ireland, "Your own Parliament are oppressors and taskmasters; to the Parliament of England you must look for redress?" Were his conduct as a Member of the Cabinet to be judged, he would claim being judged, not upon letters and surmises, but upon

the whole of the correspondence; and it was for their Lordships to say, whether or not they would call for that correspondence under the circumstances and at the hazard he had stated.

The Duke of LEEDS said, their Lordships would recollect that when he had the honour of being a Member of the Cabinet, he had sometimes submitted to the charge of sullen silence rather than defend himself by disclosing what was not fit to be disclosed. The motion now before their Lordships might, so far as respected any disclosure, in his opinion, be complied with without any indiscretion.

The Duke of NORFOLK said, he had not questioned the prerogative of the Crown to remove Ministers a pleasure; nor did he mean to enter into the merits or demerits of the persons whom the noble Earl had thought it necessary to remove in Ireland. He contended that a large supply had been obtained from the people of Ireland by deception, and the object of his motion was to ascertain with whom the deception lay.

The Earl of LAUDERDALE expressed his surprise at the opposition to an inquiry, which the character of his noble friend (Earl Fitzwilliam), the character of Administration, and the public interest, equally demanded. The Public had an interest in the characters of such men as his noble friend, which they should not suffer to be muttered away. But when he heard the predecessor of his noble friend in Ireland (Earl of Westmorland) throwing out accusations against him, he thought the inquiry could not be refused. That noble Lord was not quite so secret with respect to Irish affairs, as the Secretary of State. He told their Lordships that a bargain had been made for Lord Fitzgibbon, and that Mr. Pitt told him that no bargain had been made for Mr. Beresford, or any of the rest. Here then was high authority; for that part of the accusation against his noble friend, of removing persons whom he had agreed not to remove, was unfounded, unless their Lordships, from their knowledge of Mr. Pitt, should be of opinion that what he said ought to go for nothing. The noble Lord (Westmorland) denied the corruption of the government of Ireland, and claimed the merit of giving away a reversion of 2300l. in pursuance of that very system which he said did not exist. The noble Lord was equally inconsistent, when he argued, that the dismissal of certain persons from office in Ireland, was a disgrace for which there could be no adequate compensation, but that the removal of the Lord Lieutenant afforded no reasonable ground of complaint. Those who knew the character of Earl Fitzwilliam, the integrity and candour of his life, and the proofs he had given of the sincerity of his junction with Administration, could entertain no doubt of his earnest wish to co-operate by

every means consistent with his honour, in support of that system which his opinion of the interest of his country had induced him to adopt. The noble Lord (Westmorland) asked, if any man would say that Mr. Pitt was capable of abandoning those by whom he had been supported? He was the man who would say so. Was there now in the Cabinet an independent man, of those by whom Mr. Pitt had been originally supported? Had he not abandoned and got rid of them one after another, on different pretexts, till he had got coadjutors of his own rearing, or entirely to his own liking? Had he shewn himself more steady to principles than he had been to persons? One of his earliest principles had been to reprobate coalitions. In a speech upon that subject he asked, "If it could be supposed that he would change his principles as easily as he would change his gloves?" And yet any lady would have ruined her pin-money, merely by changing her gloves as often as Mr. Pitt had since changed his principles. He instanced a variety of these changes, from which he inferred, that if Mr. Pitt was for the Catholic emancipation when Earl Fitzwilliam went to Ireland, it was natural to expect that he would change his opinion, because to be true to any political principle would be inconsistent with the uniform tenor of his conduct. As their Lordships were denied proofs, they must, from the characters of the two men, presume that the departure from previous agreement lay with Mr. Pitt, not with Earl Fitzwilliam. He adverted to Lord Carlisle's letter to Earl Fitzwilliam, written, he said, in a spirit of friendship, which he did not well understand. He would be slow to suspect a friend of misconduct; but if compelled to do it, he would frankly tell him so. The style of the letter, on the contrary, was that of disclaiming the intention of imputing blame, but perspicuously conveying it in almost every sentence, and gently insinuating guilt upon every head. The noble Lord (Carlisle) wondered that his noble friend should think that his recall implied any charge against his conduct, and yet the noble Lord himself had considered recall from the same situation by a Ministry to which he was hostile (Marquis of Rockingham's), although he had actually sent over a letter of resignation previous to receiving the letters of recall, as an injury unprecedented, and declared that he would not communicate upon the affairs of Ireland with that Ministry. The noble Lord's conduct reminded him of an anecdote of the late Mr. Lee, who being pressed by a friend to go to the Opera to see a celebrated French dancer, and being asked his opinion, unwilling to displease, returned for answer, "that all the performers had done very well."—So since the Ministry had changed the noble Lord's ribband from green to blue, whatever political ballet they might get

up, they might be sure of the noble Lord's approbation of all the performers, and that he would not risk displeasing any, by saying that one performed better than another. Their Lordships were not called upon to discuss the Catholic question; but to inquire who had been the author of the imposition respecting it, practised upon Ireland. He compared the corruptions of the government in Ireland, with the corruptions of the government here, and desired their Lordships to look to the Beresfords at home.

The Marquis TOWNSHEND said, it was improper to select that name invidiously. If any charge was brought against Mr. Beresford, he desired nothing more earnestly than an opportunity of meeting it.

The Earl of LAUDERDALE said, he meant not to arraign individuals, but the system, which he proceeded to do in very pointed terms; and after a warm eulogium on Earl Fitzwilliam's administration in Ireland, and the characters of those by whom it had been supported, particularly of Mr. Grattan, concluded with observing, that whether the motion were successful or not, the result must be, that his Lordship's conduct would stand unsullied in the eyes of the Public, supported by the unanimous testimony of the Irish nation.

The Earl of CARLISLE vindicated himself from the charge of having insinuated any blame against his noble friend (Fitzwilliam); he had written to him in the first instance, merely to state the reports in circulation, with respect to his conduct. He never conceived that there existed any charge against him which called for such an inquiry as was now demanded. He concluded with adverting to some facts with respect to his own administration.

The Marquis of BUCKINGHAM opposed the motion, as novel in itself, and of a dangerous tendency; he condemned the facility with which gentlemen sported with private characters, and bore the strongest testimony to the loyalty and attachment of Mr. Beresford to His Majesty. As that gentleman's name had been introduced, however unnecessarily, he found himself called upon by justice and gratitude to declare, that during his administration in that country, he found him a man of high honour, and correct integrity. He thought that the noble Earl who had been recalled from his government, had been precipitate in the free and unreserved publication of his letters, for which he believed that in his cooler moments he would be sorry.

Lord AUCKLAND concurred in the testimony to the character of Mr. Beresford, who had been now twenty-five years in the service of the Public.

Lord SPENCER said, that he had on a former occasion profes-

fed himfelf able to vindicate his own conduct whenever this difcuffion fhould take place. Difagreeable, however, as were the imputations to which he muft fubject himfelf, he would rather, in the prefent inftance, fubmit to forego inquiry than confent to any difclofure inconfiftent with the public intereft. From what had been faid that night he thought it neceffary to ftate, that ever fince his entrance into office, he had experienced the moft uniform and cordial fupport from his colleagues in Adminiftration.

The Duke of BEDFORD faid, that there were four Minifters prefent who had once acted with him in the caufe of freedom. From their prefent conduct he could not but deem the air of the Cabinet infectious. The new additions had even outftripped their leaders in the career in which they were now proceeding. There was, in his opinion, no danger in the prefent inquiry, but that it might difclofe the duplicity and treachery of Minifters. They fhould either accufe or juftify the conduct of the noble Lord. If this was to be refufed, that Houfe would forfeit the refpect of the people.

[The Earl of MORTON called the noble Duke to order.] His Grace vindicated his right to fuppofe the confequences of a queftion not yet decided.

The Duke of PORTLAND faid, that in juftice to himfelf and his colleagues, he felt himfelf called upon to fay fomething on the prefent occafion. There were two points to which he fhould advert; firft he did not confider the occafion to be fo important as to call for any inquiry; fecondly, he did not think that any charge had been brought againft his noble friend, (Earl Fitzwilliam) for he fhould ftill call him fo, which rendered any inveftigation neceffary for his exculpation. No charge had in fact been brought againft him, and the whole refted on a difference of opinion.

The Houfe divided on the motion,

Contents	—	21	25
Proxies	— —	4	
Non-Contents	—	83	100
Proxies	— —	17	

Majority againft the motion 75

The following is a correct List of the PEERS who voted for and against the Duke of NORFOLK's Motion, to lay before the House the Correspondence respecting the Recall of Earl FITZWILLIAM from Ireland.

CONTENT.

Dukes of Norfolk
Grafton
St. Alban's
Leeds
Bedford
Marquis of Abercorn
Earls of Derby
Suffolk
Lauderdale
Thanet
Scarborough
Buckinghamshire
Earls of Fitzwilliam
Egremont
Guilford
Radnor
Lords Monson
Chedworth
Ponsonby, Earl of Besborough in Ireland
Rawdon, Earl of Moira in Ireland
Yarborough

NOT CONTENT.

Archbishop of Canterbury
Lord Chancellor
Dukes of Richmond
Beaufort
Marquis of Buckingham
Townshend
Cornwallis
Earls of Mansfield
Chatham
Pembroke
Westmorland
Peterborough
Stamford
Chesterfield
Essex
Cardigan
Carlisle
Shaftesbury
Coventry
Stair
Poulett
Oxford
Pomfret
Graham
Harrington
Powis
Harcourt
Warwick
Earls of Hillsborough
Spencer
Uxbridge
Mount Edgecumbe
Digby
Viscounts Falmouth
Wentworth
Courtenay
Hampden
Sydney
Bishops of London
Durham
Bath and Wells
Ely
Bangor
Litchfield and Coventry
Oxford
Lincoln
Rochester
Norwich
Bristol
Barons Clifton, Earl of Darnley in Ireland
Hay, Earl of Kinnoul in Scotland
Onslow
Romney
Walpole

Barons Stawell
Sondes
Boston
Pelham
Vernon
Harrowby
Thurlow
Walsingham
Rodney
Bulkeley
Grey de Wilton
Somers
Berwick
Sherborne
Hawkesbury
Heathfield
Malmesbury

Barons Kenyon
Fife, Earl of Fife in Ireland
Verulam, Viscount Grimstone in Ireland
Douglas, of Douglas
Grenville
Douglas, of Lochleven, Earl of Morton in Scotland
Auckland
Upper Offory, Earl of Upper Offory in Ireland
Clive
Mulgrave
Lyttelton
Curzon.

PROTEST.

Die Veneris, May 8, 1795.

The order of the day being read for the Lords to be summoned—moved,

That an humble Address be presented to His Majesty, that he will be graciously pleased to direct that there be laid before this House, such part of the correspondence between His Majesty's Ministers, and Earl Fitzwilliam, late Lord Lieutenant of Ireland, as relates to the motives and grounds of his recal from the Government of the said kingdom, during a session of Parliament, in which the two Houses of Parliament had voted their confidence in him, and of their approbation of his conduct, and with a munificence unexampled, had granted supplies for the general exigencies of the state.

Which being objected to, after a long debate, and the question put thereupon,

Resolved in the negative.

Dissentient.

1. Because the removal, in the midst of a session of Parliament, of such an Officer of the Crown as a Lord Lieutenant of Ireland, the immediate and sole representative of Majesty in that kingdom, under the circumstances, is singular, perhaps unprecedented. The effects of that bold and unusual measure, especially in the present critical state of affairs, cannot be indifferent. It is a fact notorious, and not contradicted, that the House of Lords and the House of Commons in that kingdom, did at the moment of his recal, directly and explicitly, in a solemn vote and resolution of each House, declare their confidence in the Lord Lieutenant. It is a fact equally notorious, and equally uncontradicted, that these votes of confidence from both Houses of the Irish Parliament were in perfect conformity to the opinions and wishes of all descriptions of the people of that nation.

2. Because a strong charge of malversation in office, supported by clear proof or strong presumption, ought to be produced to weigh against those solemn testimonies of a Parliament, and those declared opinions of

a people, and to justify a proceeding, the inevitable tendency of which is to produce dissatisfaction and discord amongst His Majesty's subjects in that kingdom. That the proceeding itself is within the prerogative, there is no doubt; but there is no doubt also that this House is competent to an inquiry into all advice given to the Crown with regard to the use of that prerogative; and that it is its duty to make such inquiry in any event by which His Majesty's honour or interest, or the tranquillity, concord, and union of his Empire, and its common effort against its common enemy, may be effected.

3. Because, as the Peers are bound for their own honour to examine with a more strict scrutiny into the conduct, and to animadvert with greater severity on the misdemeanors of those of their own body, so they owe a peculiar protection to such Peers, as, on inquiry, they shall find, in the exercise of the high prerogatives of the Crown, to have demeaned themselves uncorruptly, to the satisfaction of the people, with a diligent attention to the functions of their charge, and with duty, zeal and fidelity to their Sovereign.

4. Because Earl Fitzwilliam, the Lord Lieutenant, removed in so unprecedented a manner, did voluntarily solicit in this House the production of all such documents, as might furnish matter for a full and impartial inquiry into his conduct; that as the case might appear, he might subject himself to the animadversion, or entitle himself to the protection of this House. No valid reasons for secrecy have been alledged. Delinquency is no proper object of secrecy, on the one side or the other: nor can any depending measure of Government be affected by a disclosure of that delinquency. The act is executed. If these vague general allegations of secrecy may be urged to prevent inquiry, Peers may be affected with suspicions utterly ruinous to their reputation with regard to the matters of highest trust, without any possibility of clearing themselves.

5. Because it appeared in the course of the debate, without any attempt to contradict it, that the Earl aforesaid did actively and effectually promote the service of the Crown, and the public interest in Ireland, by encouraging through all fitting means, and discouraging by none, the zeal and affection to His Majesty of his Parliament of Ireland; by obtaining without delay, and with great unanimity, a vote of more than forty thousand men; by which the internal force of that kingdom was more than doubled; and by obtaining also a vote of two hundred thousand pounds for the better manning the navy of Great Britain—the first vote of the kind in the present war, and double to the sole example of the supply of the same kind, voted in the Irish Parliament in the year 1782, as an acknowledgement of the vast and important concessions in legislation, commerce and judicature, then made by the Parliament of Great Britain, both these supplies for the service of Great Britain were moved by Mr. Grattan, confidence in whom, has been imputed as blame to Earl Fitzwilliam; though in the debate, nothing was alledged to shew that this distinguished person, called to his confidence and councils, had ever, during Lord Fitzwilliam's Government, made any other use of the estimation in which he is held by his country, than to perform this, and other similar services to His Majesty's Government; and to reconcile the minds of his fellow subjects of that kingdom, to bear the burdens, brought on by these services with cheerfulness, and to co-operate with alacrity and unanimity in every means of giving them their full effect.

6. Because it does not appear that the Earl in question, during his

Administration in Ireland, did in any degree, or in any manner, subvert, impair or weaken any one of the legal prerogatives of the Crown, or abuse them to the prejudice of the subject, in any instance whatsoever. That in the arrangements proposed with regard to office, either in removals or appointments, it does not appear that the efficacy of His Majesty's Government, or the popularity of His Majesty's measures, were at all impaired; or the unanimity and harmony of the nation disturbed; or the confidence in His Majesty's Government, as administered by him, in any degree whatsoever, lessened. To the great objects of Government all official arrangements ought to be subservient; and by their effects on those objects it is to be determined whether the discretionary powers with regard to official arrangements necessarily invested in His Majesty's Ministers, have been in any instance properly or improperly employed.

7. Because the unanimity and zeal in His Majesty's service, which appeared throughout that kingdom, was owing to the hope held out that such arrangements as the late Lord Lieutenant proposed, would take place; namely, such as tended to demonstrate that those in whom the nation reposed much confidence, had obtained the confidence of His Majesty's Chief Governor, and that those who had the misfortune not to obtain the public confidence, or at least not to obtain it in the same degree, were not to be predominant in the efficient offices in the kingdom.

8. That it did not appear in the debate, that incapable or obnoxious men, or men of no lead or importance in their country, and therefore, unqualified for rendering effectual service to His Majesty, were the objects of choice in those arrangements.

9. Because it did not appear in the debate, that any harsh or vindictive spirit was manifested in any proposed removals; as the most large and liberal consideration was observed to the dignity, the feelings, and the interests of the parties concerned.

10. Because it did not appear in the debate that this provision was considered in the light of a corrupt and prodigal bargain; but that the people at large regarded it in a contrary light: It appears, that the estimation of that Government was rather increased than impaired by the whole of those intended measures: and it is asserted and supported by abundant proof, that the defeat of those arrangements, with all their consequences, has excited a considerable discontent amongst the people of Ireland.

11. Because the persons who, on account of their general estimation in their country, were taken into the confidence of the late Lord Lieutenant, had, previously to his Government, given the most striking and unequivocal proofs of their attachment to Great Britain, of their power of subduing all their own private feelings; and of sacrificing to His Majesty's service no small part even of their known animosities upon public differences, by supporting, out of office, and out of confidence with the then rulers, the cause of British Government in a very marked and distinguished manner.

12. Because it appeared in the debate, that one of the matters of discussion between His Majesty's confidential servants in England and the late Lord Lieutenant, had arisen on occasion of a bill intended to be introduced into the Parliament of Ireland by Mr. Grattan, "*For the further relief of His Majesty's Catholic subjects in that kingdom.*" Of subjects to be agitated in the Parliament of that kingdom, this House can take no cognizance; but they may take cognizance of the conduct of a British

Peer, Member of this House and representing His Majesty, for his conduct in His Majesty's service, in any part of his dominions. If the late Lord Lieutenant gave countenance to any measure repugnant to that service, and in defiance to that authority, and positive instructions given by His Majesty's Ministers here, it forms a matter of constitutional discussion in this House. Upon that point Earl Fitzwilliam has alledged, that he is ready to put himself upon the judgement of this House; for he contends, that the motion for leave to bring in such a bill (which he admits to have been made at his express desire) did not afford cause of alarm or apprehension in any manner whatever. He contends, that the principle of such a bill was highly conformable to other former proceedings known to be countenanced by His Majesty's Ministers, nor does it appear by any thing alledged in the debate, that the countenance understood to be given by the late Lord Lieutenant for a farther relief, could be a just ground for his removal: when a recommendation from the Throne itself, by his predecessor the Earl of Westmorland, in the year 1793, for advantages of infinitely greater extent, that is to say, a general capacity for all offices and franchises (about thirty offices, and seats in Parliament only excepted) has been made matter of merit.

13. Because it appears from several years past to have been the policy of His Majesty's British Councils with regard to Ireland, and of the Parliament of that kingdom, to remove the several civil restraints which had been made in consequence of religious differences; for all offices had been opened to Protestant Dissenters, without any limitation whatever, by the repeal of the Test in that kingdom, in the year 1779, 19th and 20th of His Majesty, chap. vi. From those Dissenters no Test whatever was exacted, in lieu of that from which they were exonerated. But for the Catholics, by an act of the 13th or 14th of his present Majesty, chap. xxxiv. a Test oath was proposed, for ascertaining the allegiance and fidelity of Catholics, as such. About four years after, that is, in the year 1777-8, 17th and 18th of George III. chap. xlix. in consequence of this oath, a strong legislative declaration was made, in which the principle, which had been gradually followed up by subsequent acts, is strongly and decidedly affirmed; for the preamble of that act, after stating certain penalties and incapacities under which the Catholics did then labour, thus proceeds: "Whereas, from their uniform peaceable behaviour for a long series of years, it appears reasonable and expedient to relax the same; and it must tend, not only to the cultivation and improvement of this kingdom, but to the *prosperity and strength of* ALL *His Majesty's dominions*, that his subjects of ALL denominations, should enjoy *the benefits of our free Constitution, and should be bound to each other by mutual interest and mutual affection.*" Soon after, that is, on the 21st and 22d of his present Majesty, chap. xxiv. it was again declared, that Catholics, on taking the Test oath aforesaid, "ought to be considered as good and loyal subjects to His Majesty, his Crown, and Government; and that the continuance of the laws formerly enacted, and then in force, against persons of the Popish religion, are therefore unnecessary, in respect to those who have taken or shall take the said oath, and is injurious to the real welfare and prosperity of the kingdom of Ireland." Nothing can be more clearly laid down than the principle upon which the several acts of relief from the first year of relaxation, virtually beginning so early as the year 1773, twenty years before the passing the large capacitating act of the year 1793, was grounded, namely, the recognized allegiance, and reciprocal right to protection, held out upon taking this and other

Test oaths. It was plain that the policy of the Legislature was, to affirm the principle as largely as possible, and to make the capacities follow (as they have practically followed) gradually, according as favourable occasions should offer. These acts have always been understood to have emanated originally from His Majesty's gracious disposition, and to have proceeded to the Government of Ireland, through the British Cabinet. If these tests could not be deemed a security in the reserved cases, it is impossible to assign a reason why they were deemed a security in the hundreds of others, to which a capacity was opened by the act of 1793. The incapacitating reserves, in the act of 1793, like those of the former acts, proceeding (though more slowly) upon the same declared policy, evidently were not made upon their own declared principle. They were made in the regular progress of a system of enlargement, in order to compromise with the spirit of monopoly. But, it is asserted by Earl Fitzwilliam, and nothing without inquiry can effectually contradict the assertion, that, whilst in reality the restrictions gave satisfaction to none, they caused discontent in many. The Protestants regarded these exceptions with total indifference. The Catholics looked on them as signs of suspicion and degradation: they considered them as marks (contrary to the declared policy of the acts) contrived to be set upon them by their enemies, to distinguish them as bad subjects and bad citizens. The proceedings of their enemies leave in their minds no doubt that these tokens of reprobation are kept as pretexts for affronts, contumelies, and injuries of all kinds; and for practically depriving them of most of the benefits of those capacities which the law seemed to hold out to them.

14. Because it is alledged, that a bill for farther relief was publickly known, as likely to be in agitation before the departure of the Lord Lieutenant from England; that he had no instruction whatever directly to oppose it, though an opinion was expressed, that it had better be delayed for a time of greater tranquillity; but the expediency of giving support to it was a matter left to his discretion, as, in the nature of things, it necessarily would be, on any subject, the principle of which was admitted, the fitness of the time being the only point of doubt, and which could only be decided by existing circumstances.

15. Because it is offered in proof, that the late Lord Lieutenant was diligent in the search, and prompt in the communication to Ministers of every information on the subject. That he soon found, that all hopes of putting off the question was impracticable—that he had reason to think the present time, for carrying the principles of the acts of 1792 and 1793 to their full object, to be, of all others, most favourable—that he found the relief to be ardently desired by the Catholics; to be asked for by very many Protestants, and to be chearfully acquiesced in by almost all—that this circumstance removed the difficulties, on which the postponing the question could alone be desired—that he found the delays had created much suspicion and uneasiness amongst the Catholic petitioners, who were numerous almost beyond all example—that he found a bill on those petitions would infallibly and speedily be brought into Parliament, and that many Members were desirous to introduce it; and, if this were the case, the measure might come into hands with which neither he nor the King's Ministers had any connection, which would leave with government only the disagreeable part of altering or of modifying, if any alteration or modification had been thought necessary by the British Government, depriving His Majesty thereby of the whole grace and effect of

what was done: That in this unpleasant situation he sent for Mr. Grattan, and desired him, as a person in his confidence, and who would act on the occasion according to what he and the Ministers, in their prudence, might suggest. That Mr. Grattan did consent, and did, at his desire, move for leave to bring in a bill for the farther relief of the Roman Catholics. That the *motion for leave* was received with little discussion, and without any division. That *no bill on the subject was in fact brought in*—and that Ministry were informed, that none would be brought in without their knowledge: nor until of late, and after Lord Fitzwilliam's departure, was such a thing attempted. That the then Lord Lieutenant communicated largely all his ideas on the subject. That whilst the proposed bill was not yet introduced into the House of Commons, and whilst he was obeying their instructions, with regard to informations and opinions, he was suddenly removed, with the strongest marks of displeasure and disgrace. That on this state of things, no sufficient reason appears to exist, in this measure, any more than in the business of arrangements, for the unusual and alarming step of disgracing a Lord Lieutenant in the middle of a session of Parliament, in which the business of His Majesty, and of the whole Empire (as far as that kingdom could operate in it) was carried on with unusual unanimity and success, and with a very great concurrence without doors of all orders and descriptions of men. It is a step for which, on the debate, nothing was said to make it appear justifiable, and to render an inquiry concerning it unnecessary.

PONSONBY.
FITZWILLIAM.

And the said Earl Fitzwilliam, moreover protesting for himself, and on his own part, declares, that this House refusing such necessary investigation, he doth conceive and feel himself injured and oppressed, as a British subject, as a Peer of Great Britain, and as a person who has exercised an high and very responsible trust under His Majesty. That he is not content merely to prove his innocence—that he was, and is ready to make it appear to the House, and to his country, that in that trust he has acted faithfully, zealously, affectionately, dutifully, and diligently towards his Sovereign; that he has acted with attention and practicability towards his colleagues in office—that he has acted with an enlightened regard to the true interests of the nation, which, under His Majesty's authority, he was appointed to govern. That he stands upon the merit of his measures, and the prudence of his arrangements; that by them confidence was recovered to Government. That he stands, for the justice and the policy of removing the few, feeble, miserable, inefficacious, but invidious restrictions, that remain on the Catholics of Ireland, as wholly useless for any good purpose, but powerful in causing discontent, both with regard to Government and to Parliament; as furnishing handles of oppression to the malevolent, and as supplying pretexts for disorders to the turbulent and seditious. That he should have shewn a degree of incapacity, wholly to unfit him for his arduous trust, if he had acted on an idea, that the politics of this time, or that the present, or probable future interests of states, do at all depend upon questions, whether of doctrine or discipline, either as agitated between Catholics and Protestants, or as agitated by Protestants amongst their several subdivisions. The Church and State have enemies very different, and infinitely more formidable, than any which have their origin in any religious parties. He has for

that by good management the dangerous principles and tempers of the some time been persuaded, but most clearly so since he went to Ireland, times, which have another and more recent origin, may be kept from taking root either in the church of Ireland, there happily established; or in the Presbyterian church, in communion with that of Scotland; or in the church of the old natives of Ireland, communicating with that of Rome; or in any other religious sect whatever; but that through intemperate, vexatious, corrupt, or oppressive conduct, every one of these descriptions may be infected with this evil, in greater or lesser degree of extent and malignity according to the degree of oppression or indiscretion, with which they are severally treated. He was, and is convinced, that the best mode of resisting this reigning danger, either from within or from without, is not to be found in a plan for reviving, by art and influence, prejudices and heart-burnings expired, or ready to expire, or of sowing the seeds of external discord and division between the people. During his Government he had nothing to complain of the dispositions of any religious description as such; and his principles of Government led him to cultivate the union which he plainly saw of itself commencing between them. It was his constant endeavour, by every means, to combine the minds of every sort of men, Churchmen, Presbyterians, and Catholics, of every the least proportion of education, talent, influence, or property, in affection to their common Sovereign; to combine them in one bond of common interest, and in one common effort against our common enemies, the known enemies of all religion, all law, all order, and all property. He has had the happiness of seeing all this completely accomplished. An unexampled concord amongst the people; an unexampled zeal for the support of the Crown had taken place: but he is not responsible for the effects of a system, which proceeds in a contrary direction to that which he pursued; he is not responsible for the effects of a system which supports men in whom the Public has little confidence, and contumeliously rejects the service of those who have obtained the good opinion of their country—a system which endeavours to supply a comparative defect of ability, by an unmeasured increase of influence—a system which rejects the opinion and information of persons in high and responsible situations, and listens to the interested representations of subordinate office—a system, which, inverting the whole order of things, introduces anarchy into the very seat of Government, by publicly and avowedly supporting the instruments against the agent—a system which, finding the body of the people disposed to look to the Crown as their security against oppression from domestic factions, employs all its influence, power, and authority to support those very factions against the people who fly for refuge to the Crown. For the opposite system he has suffered the unparalleled mark of displeasure which has been shewn to him. He is willing to suffer more, rather than abandon it. He will remember with a warm and lasting gratitude, and a cordial attachment, the weighty persons in Parliament, and all the respectable bodies and individuals by whom he was generously encouraged, and honourably supported in a different plan of government, from that which derives its support from the corruption of one part of the people, and the depression of the other.

FITZWILLIAM.

The following is a copy of the Bill so often referred to in the course of the Debates respecting the Recall of Earl Fitzwilliam:

BILL for the Emancipation of the ROMAN CATHOLICS of IRELAND.

WHEREAS by an act of Parliament, passed in the thirty-third year of His Majesty's reign, entitled, An act for the relief of His Majesty's Popish or Roman Catholic subjects of Ireland, several restraints, disabilities, and incapacities, to which His Majesty's subjects in this kingdom, being Papists, or persons professing the Popish or Roman Catholic religion, had been subjected, were removed; but His Majesty's said subjects still remain under certain other restraints, disabilities, and incapacities, which it is right and expedient to remove; therefore,

Be it enacted, by the King's Most Excellent Majesty, by and with the consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that so much of the said act, passed in the thirty-third year of His Majesty's reign, as requires Papists or Roman Catholics, possessing a freehold estate of ten pounds yearly, and less than one hundred pounds, or a personal estate of three hundred pounds, and less than one thousand pounds, to take at the session of the peace for the county in which they reside, the oath of allegiance prescribed to be taken by an act of Parliament, passed in the thirteenth and fourteenth years of his present Majesty's reign, entitled, An act to enable His Majesty's subjects, of whatever persuasion, to testify their allegiance to him, and also in an open Court to swear and subscribe an affidavit that they are possessed of a freehold estate, yielding a clear, yearly profit to the person making the same, of ten pounds, or a personal property of three hundred pounds above his just debts, and the name and nature of such freehold, in order to authorize such persons to keep and use arms and ammunition as Protestants may, be, and the same is hereby repealed.

And be it enacted, That it shall and may be lawful for Papists, or persons professing the Popish or Roman Catholic religion, who shall have at the sessions of the peace in the county in which such persons respectively reside, taken and subscribed the oath of allegiance prescribed to be taken by the said act, passed in the thirteenth and fourteenth years of His Majesty's reign, entitled, An act to enable His Majesty's subjects, of whatever persuasion, to testify their allegiance to him; and also the oath and declaration set forth in and prescribed to be taken by the said act, passed in the thirty-third year of His Majesty's reign, entitled, An act for the relief of His Majesty's Popish or Roman Catholic subjects of Ireland, on which the Clerk of the Peace shall have for his trouble a fee of sixpence, to keep and use arms and ammunition, as Protestants may now by law, any statute to the contrary notwithstanding.

And be it enacted, That so much of the said act, passed in the thirty-third year of His Majesty's reign, as provides and enacts that nothing therein contained shall extend, or be construed to extend, to enable any person to sit or vote in either House of Parliament, or to hold, exercise, or enjoy, the office of Lord High Chancellor, Lord High Treasurer, Chancellor of the Exchequer, Chief Justice of the Court of King's Bench or Common Pleas, Lord Chief Baron of the Court of Exchequer,

Juſtice of the Court of King's Bench or Common Pleas, or Baron of the Court of Exchequer, Judge of the High Court of Admiralty, Maſter or Keeper of the Rolls, Secretary of State, Keeper of the Privy Seal, Vice Treaſurer, or Deputy Vice Treaſurer, Teller and Caſhier of the Exchequer, or Auditor General, Lieutenant or Governor, or Cuſtos Rotulorum of Counties, Secretary to the Lord Lieutenant, Lord Deputy, or other Chief Governor or Governors of this kingdom, Member of His Majeſty's Moſt Honourable Privy Council; Prime Serjeant, Attorney General, Solicitor General, ſecond or third Serjeant at Law, or King's Counſel, Maſter in Chancery, Poſtmaſter General, Maſter and Lieutenant General of His Majeſty's Ordnance, Commander in Chief of His Majeſty's Forces, Generals on the Staff, and Sheriffs and Sub-Sheriffs of any county in this kingdom, or any office contrary to the rules, orders, and directions made and eſtabliſhed by the Lord Lieutenant and Council, in purſuance of the act paſſed in the ſeventeenth and eighteenth years of the reign of King Charles the Second, entitled, An act for explaining of ſome doubts ariſing upon an act, entitled, An act for the better execution of His Majeſty's gracious declaration for the ſettlement of this kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and others, his ſubjects there; and for making ſome alterations of, and additions unto, the ſaid act, for the more ſpeedy and effectual ſettlement of the kingdom, unleſs he ſhall have taken, made, and ſubſcribed the oaths and declaration, and performed the ſeveral requiſites, which by an act heretofore made and now of force, are required, to enable any perſon to ſit or vote, or hold or exerciſe and enjoy the ſaid offices reſpectively, be, and the ſame is hereby repealed.

And be it enacted, That it ſhall and may be lawful for Papiſts, or perſons profeſſing the Popiſh or Roman Catholic religion, to ſit and vote in either Houſe of Parliament, and to hold, exerciſe, and enjoy the offices of Lord High Chancellor, Lord High Treaſurer, Chancellor of the Exchequer, Chief Juſtice of the Court of King's Bench or Common Pleas, Lord Chief Baron of the Court of Exchequer, Juſtice of the Court of King's Bench or Common Pleas, or Baron of the Exchequer, Judge of the High Court of Admiralty, Maſter or Keeper of the Rolls, Secretary of State, Keeper of the Privy Seal, Vice Treaſurer, or Deputy Vice Treaſurer, Teller and Caſhier of the Exchequer, or Auditor General, Lieutenant or Governor, or Cuſtos Rotulorum of Counties, Secretary to the Lord Lieutenant, Lord Deputy or other Chief Governor or Governors of this Kingdom, Member of His Majeſty's Moſt Honourable Privy Council; Prime Serjeant, Attorney General, Solicitor General, ſecond and third Serjeant at Law, or King's Counſel, Maſter in Chancery, Poſtmaſter General, and Maſter and Lieutenant General of His Majeſty's Ordnance, Commander in Chief of His Majeſty's Forces, Generals on the Staff, and Sheriffs and Sub Sheriffs of any county or county of a town or city in this kingdom, or to be members of any lay body corporate, and to hold any office in any lay corporation, which they are or may be excluded by the rules, orders, and directions made and eſtabliſhed by the Lord Lieutenant and Council, in purſuance of the act paſſed in the ſeventeenth and eighteenth years of the reign of King Charles the Second, entitled, An act for explaining ſome doubts ariſing upon an act, entitled, An act for the better execution of His Majeſty's gracious declaration for the ſettlement of his kingdom of Ireland, and ſatisfaction of the ſeveral intereſts of adventurers, ſoldiers, and other his ſubjects there, and for making ſome alterations of, and additions unto, the ſaid act, for the

more speedy and effectual settlement of this kingdom, without taking and subscribing the oaths of allegiance, supremacy, or abjuration, or making or subscribing the declaration required to be taken, made, and subscribed, to enable any person to hold and enjoy any of such places, and also without receiving the Sacrament of the Lord's Supper according to the rites and ceremonies of the Church of Ireland, any law, statute, or by law of any Corporation to the contrary notwithstanding.

Provided always, that every such person take and subscribe the said oath appointed by the said act passed in the thirteenth and fourteenth years of His Majesty's reign, entitled, An act to enable His Majesty's subjects, of whatever persuasion, to testify their allegiance to him; and also the said oath and declaration set forth and prescribed in the said act, passed in the thirty-third year of His Majesty's reign, entitled, An act for the relief of His Majesty's Popish or Roman Catholic subjects of Ireland.

And be it enacted, That so much of an act, passed in the eighth year of the reign of her late Majesty Anne, entitled, An act for explaining and amending an act, entitled, An act to prevent the farther growth of Popery, as enacts that whatsoever person of the Popish religion shall publicly teach school, or shall instruct youth in learning in any private house within this realm, or shall be entertained to instruct youth in learning, as usher, under master, or assistant, by any Protestant schoolmaster, shall be esteemed and taken to be a Popish regular Clergyman, and be prosecuted as such, and incur such pains, penalties, and forfeitures as any Popish regular convict is liable unto by the laws and statutes of this realm, and which enacts, that no person whatsoever, after the first day of November, one thousand seven hundred and nine, shall be qualified to teach or keep school publicly, or teach and instruct youth in learning in any private house, or as usher or assistant to any Protestant schoolmaster, who shall not first, or at the next general assizes, or general quarter sessions of the peace to be held for the county where such person shall inhabit or reside, after such person is so entertained, take the oath of allegiance, and make and subscribe the declaration, and take and subscribe the oath of abjuration, as in the act therein mentioned is directed and expressed, and as inflict any forfeiture on any person who shall offend therein, on any person who shall entertain any one not qualified as aforesaid, as tutor, under master, usher, or assistant, be, and the same is hereby repealed.

And be it enacted, That so much of the said act, passed in the thirty-third year of His Majesty's reign, as provides that any College, to be the easier founded in this kingdom, in which it shall be lawful for Papists, or persons professing the Popish or Roman Catholic religion, to hold or to take Degrees or Professorships, or to be Masters or Fellows, shall be a Member of the University of Dublin, and shall not be founded exclusively for the education of Papists, or persons professing the Popish or Roman Catholic religion, and shall not consist exclusively of Masters, Fellows, or other persons to be named or elected on the foundation of such College, being persons professing the Popish or Roman Catholic religion, shall be, and the same is hereby repealed.

And be it enacted, That so much of an act, passed in the twenty-first and twenty-second years of the reign of his present Majesty, entitled, An act to allow persons professing the Popish religion to teach school in this kingdom, and for regulating the education of Papists; and also to repeal parts of certain laws relative to the guardianship of their children, as provides that nothing therein shall extend, or be construed to extend, to

any Popish schoolmaster who should receive into his school any person of the Protestant religion, or to any person of the Popish religion who should be entertained to instruct youth in learning, as usher, under master, or assistant, by any Protestant schoolmaster within this realm, shall be, and the same is hereby repealed.

And be it enacted, That so much of a clause in the said act, passed in the thirty-third year of His Majesty's reign, as incapacitates any Papist, or person professing the Popish religion, to vote at any parish vestry at the election of a Churchwarden, be, and the same is hereby repealed.

And be it enacted, That it shall and may be lawful for any Papist, or person professing the Popish religion, to vote at any parish vestry at the election of a Churchwarden, any law to the contrary thereof notwithstanding.

And be it farther enacted, That it shall and may be lawful for Papists, or persons professing the Popish or Roman Catholic religion, serving as commissioned or non-commissioned Officers or soldiers in His Majesty's regular forces within this kingdom, to attend the celebration of Divine worship, according to the ceremonies of the Roman Catholic Church, in as full and free a manner as Protestants, being Officers or soldiers, are now permitted to attend the celebration of Divine service, according to the rites of the Church of Ireland, any law, statute, custom, or usage to the contrary notwithstanding.

In the debate on this bill in the Irish House of Commons, the question on the rejection of the bill was put, and carried by a majority of 71. The numbers were,

Against the rejection, 84; For it, 155.

Monday, 11th May.

No debate.

Tuesday, 12th May.

Lord HARROWBY stated to the House the claim that Marshal Conway had on their Lordships, to continue to him for a farther term than fourteen years the patent granted to him for inventing a machine used in certain processes of coals, &c. His Lordship said, that the time granted to Marshal Conway, which was only the usual term of fourteen years, had not been sufficient to indemnify him, as much of it had been spent in improving the machine, &c.; he hoped, therefore, that their Lordships would take this into their consideration, and grant him a farther term of years to indemnify him for the expence he had incurred.

Lord AUCKLAND opposed the principle of the bill: He was followed by

The LORD CHANCELLOR, who expressed himself against it, as it went on the ground of a monopoly, and at the end of fourteen years the invention became the property of the Public. If the Attorney General and Secretary of State had granted the patent, they were accountable for it, but if the Lords and Commons would confirm this grant, there was no redress. If this patent was renewed, it would put it in the power of every one who had a patent to apply for a similar renewal, provided he had not made a fortune in fourteen years: he therefore declared himself against it.

The Duke of RICHMOND supported the bill, by saying, that patents were different, and when they did not repay the inventor, it was fair to grant a continuance of them. For instance, said his Grace, a patent buckle will immediately begin to repay the inventor; but in inventions of a different kind, where much money is expended, and a length of time required to bring the invention to perfection, it would be right to continue the patent.

Lord HAWKESBURY opposed the bill, on the principle that all other countries would be in possession of the invention before ourselves, and he considered fourteen years too long a period for the Public to be shut out from the advantage of the invention.

Lord GUILFORD supported the bill.

The Earl of CARLISLE spoke in favour of the bill.—It was then moved, "That the bill be committed for Thursday next."

Lord AUCKLAND moved an amendment, "that it be committed for this day three months."

The House divided, for the commitment on Thursday:

Contents 31, Not-Contents 3. Majority 28.

Wednesday, 13th May, to Thursday, 21st May, inclusive.

No debate.

Friday, 22d May.

On the question being put for the second reading of the bill for augmenting the Royal artillery out of the militia,

Lord RADNOR objected to the second reading of this bill, which he thought highly injurious to the militia service; and considered the drafting of gun-men for the Royal artillery, as peculiarly hard upon the Colonels, and as subversive of the discipline, of the strength, and of the most essential interests of the militia.

The Marquis TOWNSHEND thought the bill calculated to benefit the general service without injuring the militia.

Lord ROMNEY opposed the principle, and at any rate wished a period to be set to the existence of the bill.

Lord SPENCER declared, he would be the last man to agree to any measure which might tend to injure the militia, which he did not think the bill before the House would do, but that it would greatly benefit the navy, and the Royal artillery.

The Marquis of BUCKINGHAM objected to the bill, in a speech of considerable length, as tending to destroy subordination, and because it would weaken that body by 5000 men, including officers, at a time when it was not likely they could speedily obtain recruits. The parting with the gunners he considered as a great hardship.

Lord MULGRAVE entered into a justification of the principle of the bill, which he said was calculated to benefit the country without injuring the militia service. His Lordship said, that if every seaman could be drawn from the militia and army, it was a "consummation devoutly to be wished."

Lord RADNOR and the Marquis of BUCKINGHAM, each said a few words against the bill, and Lord Spencer in support of it, when the House divided.

Contents, 23; Not Contents, 6.

Adjourned.

Wednesday, 20th May.

The Earl of GUILFORD stated to the House, that a noble friend of his (Lord Lauderdale) would be prevented by indisposition from bringing the subject of peace once more before their Lordships, who were summoned to attend for that purpose to-morrow; he therefore moved, that the order of the day be discharged, and that the House be summoned to attend on Friday the 5th of June. —Ordered.

The House went into a Committee on the bill for augmenting the Royal Artillery and the navy, by drawing from the militia such men as were qualified for those services.

Lord Walsingham in the chair.

The bill passed through the Committee without any amendment.

The Duke of NORFOLK moved an amendment on the Report, that the words "required and directed," be left out, alledging, that that clause made it compulsory on the Commanding Officers of the different corps of the militia to part with those men who had been trained to the use of the artillery: to the principle of the bill in general, he had no objections, especially at this time, when it was incumbent on us to strengthen our naval force by every possible means; but this compulsory clause would make the Commanding

Officers less attentive to the training of men to this service, if they were compelled to part with them after they had been disciplined.

Lord GRENVILLE said, that if his Grace and the House in general acknowledged the benefit and the expedience of the bill, they could not certainly wish the intent of it to be weakened, which it undoubtedly would be, if the officers had it in their option to deliver or not, as his Grace now proposed.

The amendment was then put and negatived, without a division.

Thursday, 28th May.

On the question being put on the bill for allowing drafts from the militia.

Lord RADNOR wished to know, if the number of artillery men was once taken out, and their vacancies filled up, whether the Royal artillery would have a claim upon the corps a second time?

Lord GRENVILLE replying rather an indirect way,

Lord RADNOR proposed a preventive clause, which was negatived without a division.

The bill was then read a third time and passed; and the House adjourned to Monday next.

PROTEST.

Against the passing of the Bill for augmenting the Royal Artillery out of the Militia.

Dissentient,

I. Because the honourable footing, upon which the militia was established, and has hitherto subsisted, is, as far as relates to the augmenting the Royal Artillery, undermined by this bill, *inasmuch* as it makes the militia a fund for the supply, and a drill for the accommodation of another corps, *inasmuch* as it reduces this constitutional force below the numbers covenanted by the country to be always kept complete; and *inasmuch* as it supplies the deficiencies it creates, not in the regular and creditable manner by which the militia is constitutionally to be supplied, and supplied to a certainty, but by the means, uncertain in their operation, by which it is constitutionally provided in express terms that it shall not be supplied.

II. Because upon the allegation of the *present conjuncture*, it establishes this measure without any express period to its duration, and without any clause against the precedent.

III. Because at a moment when the temper of the times, and our personal knowledge of late events in some corps, seem particularly to recommend a vigilance in the preservation of discipline and subordination, this bill, in a most extraordinary and unprecedented manner, relaxes the authority of the commanding officers over the objects of it, by suggesting to the latter a method which at any time, &c. on any motive "entitles them to their discharge."

IV. Because the several circumstances of disappointment as to the

strength of their regiments, and of degradation by the involuntary removal of their selected and most instructed men, by the replacing of them in a less certain and less creditable manner, and by converting the regiments into a recruiting fund for another corps, form an impolitic and undeserved return to such militia officers, (and it has been admitted in the debates on this bill that there are many such) as have merit with the Public.—And

I conceive it the more necessary to mark my disapprobation, and express my apprehension of the consequences of this innovation, as I think the militia contains a fund for recruiting not only the artillery, but every other corps in His Majesty's service, much too good not to be ardently coveted, and (however the intention be disclaimed at present) I fear resorted to (as I am sure it may be upon the same reasoning), when Parliament shall have once notified the principle of making the militia subservient to the efficiency of other corps.

(Signed) RADNOR.

Monday June 1st to Wednesday June 3d inclusive.

No debate.

Friday, 5th June.

The Earl of LAUDERDALE rose to call the attention of their Lordships to the subject of which he had given notice. He observed, that, whatever opinion might have been entertained of the determination of that House, with regard to motions that had been made on the war, there were some recent events which justified him in calling now for a different determination. Upon some points their Lordships might say that their minds had been made up; but every one of them must feel, that there were other points on which it was impossible for them to find any salvo by which they could satisfy their consciences, if they did not come to some new determination with regard to the present war. It then remained for them to examine our situation at this moment, and to see whether they could continue the same sort of conduct as they had hitherto observed, consistently with justice to that House, to this country, and to posterity: for that purpose he called upon them now to come forward, and declare their sentiments. If they examined the present situation of this country, and the condition of our allies, he would venture to say, without quarrelling with any of their former decisions, that their Lordships must find it to be their duty to come to some specific proposition at this time different from what they had already declared to be their opinion. In this there would not be any blame to be attached to their Lordships, because they were controled by unavoidable events. It was needless for him to say much to impress this idea upon the House. He should desire their Lordships to look at the situation of this country two years ago in point of alliance,

connection, and supposed prospect of success, and to look at it now. Here his Lordship took a view of our situation both externally and internally, to enforce the necessity of the House coming to a determination, that might tend to remove some of the difficulties under which the country laboured in this war. He observed, that even the expence of this war would, if long continued, be the ruin of this nation, for there was not now any one of the allies of the whole confederacy against France, who must not be eventually in the pay of Great Britain, except the kingdom of Spain. The King of Prussia had made a separate peace with France, in doing which he had also made certain stipulations, laying the foundation for other States of the Empire to do the same, several of which had since evinced an inclination to do the same; and by a second treaty which had lately appeared, they had actually done so. We were therefore now left with scarcely any other ally that could be fairly called so, or that could seriously be relied upon, except the Emperor; and strange to tell, he on the same day that his Convention was signed at Vienna with the King of Great Britain for carrying on the war with activity and energy, in consideration of the loan to be guaranteed by this country, his rescript to the States of the Empire was delivered to the Diet of Ratisbon, by which he agrees to negociate for a peace between the Empire and the French as soon as possible.— This was a line of conduct which very much surprised him, and which, whatever might be said as to a man's acting different parts in different capacities, he contended afforded considerable cause of suspicion as to the sincerity of the Emperor's intentions; and if his intentions were not sincere, on whom had this country to depend for any assistance in the next campaign? It was impossible that any of their Lordships could look to Spain as an active ally, for reports spoke very loudly that the Court of Spain were actually in negociation—be that as it may, Spain cannot give us any material assistance. The King of Sardinia was so situated, his Lordship said, that there was too much reason to apprehend, that if any reasonable terms were offered him by the French, he would be ready to conclude a peace, and by that means present an obstacle to the almost only way which was left to the Emperor to make an attack upon France. If we looked to all the powers on the continent, we should find them all subsidized by this country, and yet all eager to make peace—even the Emperor, at the head of the Empire, had confessed himself ready to do so; but then great stress was laid by Administration on his vigorous exertions, as King of Hungary and Bohemia. He could by no means join in this opinion, nor did he see by what means the King of Hungary and Bohemia could give us

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that assistance which would be necessary to render another campaign of the least use to this country. That he was exhausted to the lowest possible ebb in his resources, no one could deny; it was only necessary to advert to his several declarations made to the people of the Austrian Netherlands—to the Diet of Ratisbon, and to the people of Germany after his troops had retreated beyond the Rhine. In all these he declares, in the most serious and positive manner, that, if they do not effectually exert themselves to assist him with supplies of money, he could not possibly carry on the war any longer. If then, he could not last year carry on the war without supplies, when he was aided and assisted by the greatest confederacy that Europe had ever known, how was it possible to conceive, that he can now carry on the war with any effect with no other power to assist him than this country? We had originally been no parties to the war. We came into it only as auxiliaries to an ally, and now he foresaw that we should soon be the only principal left in it, after having paid all the expences of those who had been hitherto concerned in it. This double capacity of King of Hungary and Bohemia, and Emperor of Germany, in which the same person acted such very different parts, put him in mind of a passage in a mock tragedy which he would mention. He believed most of their Lordships had seen, and that many of them admired, the CRITIC; the passage he alluded to was, where the Heroine, TILBURINA, is interceding with the Governor, her father, in behalf of her Hero and Lover, WHISKERANDOS, where she says,

"Can you resist the Daughter and the Suppliant?"

The Governor answers, "The father's *softened*, but the Governor's *resolved*." In much the same light he apprehended the Emperor to be *softened*, and the King of Bohemia to be *resolved*. This called also to his recollection a passage in a very brilliant speech, made by a celebrated Orator now no longer in Parliament (Mr. Burke), where he mentioned a law-suit between a Duke of Lancaster and the King of England, the expences of which amounted to sixteen thousand pounds; it was said, no matter who gains the cause, the poor King of England must pay for all: so here he was afraid in this war it would be found, that the poor people of England would, in the end, have all to pay. His Lordship then took a view of our situation in the West Indies, and expressed great apprehensions for our safety in that quarter. It might be said that there exists no government in France with which we can treat; to which he would answer, that it would not be found in any good book on the law of nations that a Government acquiesced in may not be treated with;

and he could give many inſtances of this from the hiſtory of this country. If there was any diſpute as to what is the law of nations, he would anſwer, it was to be underſtood from the practice of nations from time to time, ariſing out of the common ſenſe and convenience of mankind. What objection was there to acknowledge the Government of France? The other powers of Europe, except Ruſſia, whoſe ſucceſs, as a friend to liberty, he ſhould deplore, had already done ſo. Every power, except this country; nay, even we, had negociated with them, for we had propoſed an exchange of priſoners. But there was an argument which had been often uſed, and which, perhaps, would be uſed to-night; that if any negociation was to take place, it ſhould be left to Miniſters: to which he anſwered, we had ſeen no wiſh of this kind expreſſed by Miniſters, but always the contrary, and therefore he thought that Parliament ought to interfere. He was almoſt convinced that their Lordſhips were governed by the ſame principles as thoſe which prevailed during the war with America. But there was leſs excuſe for the Houſe not interfering than at that time. In that caſe there was a claim made on the part of this country to remain for ever Sovereign of America—In his opinion an abſurd and ridiculous one; but there was that claim. What was the claim to the Government of France? We had the title of their Monarch; he dared to ſay the French Republic would not diſpute about that title. He was confident they felt a diſpoſition for peace, and he thought that the Parliament of Great Britain ſhould manifeſt a ſimilar diſpoſition; if we did not do ſo, he thought, that we ſhould ſoon be in a dreadful ſituation; he ſaw nothing leſs than the total ruin of this country, in carrying on this war. He entreated their Lordſhips to look at the ſituation of the poor, who, although they had hitherto with loyalty borne their burdens, yet, it was poſſible to over-load both their patience and ability. He had heard, that this war was to ſupport our Conſtitution; he did not believe it; for that Conſtitution muſt be a bad one indeed, which required perpetual war to preſerve it. With regard to the idea, that their Lordſhips were bound upon a certain point of honour to ſupport Adminiſtration, having ſo frequently voted confidence to them, and becauſe they believed that Mr. Pitt was a great financier, he muſt obſerve that this was very contemptible caſuiſtry; for they were bound in honour to do nothing that had not for its object the welfare of the State; beſides, he ſaw no evil conſequences of any kind with regard to Miniſters in the buſineſs which he ſubmitted to their Lordſhips. He then concluded with moving an Addreſs to His Majeſty.

The following is a copy of the Addrefs, as publifhed by his Lordfhip, with the notes and illuftrations with which it was accompanied:

THAT an humble Addrefs be prefented to His Majefty, that His Majefty's dutiful and loyal fubjects, the Lords Spiritual and Temporal in Parliament affembled, have, during the war in which fo great a part of Europe has been involved, repeatedly given every affurance, that nothing fhould be wanting on their part that could contribute to that firm and effectual fupport which His Majefty had fo much reafon to expect from a brave and loyal people.

That at the commencement of the prefent war this Houfe faw, with fatisfaction, "the United Provinces protected from invafion, the Auftrian Netherlands recovered and maintained, and places of confiderable importance acquired on the frontiers of France,"* and that whilft we concurred fully in the juft and benevolent fentiments of His Majefty's declaration gracioufly communicated to this Houfe, in which His Majefty has ftated, that "it never could be his intention to employ the influence of external force with refpect to the particular forms of government to be eftablifhed in an independent country."† It was with pleafure we looked forward to that happy profpect of fpeedy and permanent peace, which the fuccefs of His Majefty's arms, and the wifdom and moderation of his declared intentions feemed likely to fecure. With unimpaired zeal, however, we affured His Majefty, that, "relying with confidence on the valour and refources of the nation, and on the combined efforts of fo large a part of Europe, we would, on our parts, perfevere with vigour and union in our exertions."‡

That more recently we have feen with extreme concern the rapid and alarming progrefs of the French arms, and heard with pain, § in His

* See the Addrefs of the Houfe of Lords, in anfwer to the King's Speech, the 21ft of January, 1794.

† See the King's Declaration of the 29th of October, 1793, in Debrett's State Papers, Vol. I. p. 138.

‡ See Debrett's State Papers, Vol. II. p. 460.

§ The following countries have been conquered by France fince the commencement of the prefent war:

The ten provinces of Brabant, Antwerp, Mechlin, Limburg, Luxembourg, Namur, Hainhault, Artois, Cambrefis, and Flanders, forming the Auftrian Netherlands, and formerly fubject to the Emperor of Germany.

The Seven United Provinces of Holland, Zealand, Friefland, Groningen, Overyffel, Guelderland, and Utrecht, forming the Dutch nation, and formerly fubject to the Stadtholder.

The Principality of Liege, with the cities of Liege and Spa, formerly fubject to the Prince Bifhop, as Sovereign of that country.

The Bifhopric of Spires, with its chief city, formerly fubject to its fovereign bifhop.

The Bifhopric of Worms, formerly fubject to its fovereign bifhop.

The Duchy of Deux Ponts, formerly fubject to the Elector Palatine.

All the Electorate of Treves, on the fouth fide of the Rhine, with the chief city of the Electorate, and the city of Coblentz.

Majesty's most gracious speech from the Throne at the commencement of the present sessions, the confirmation of the melancholy "disappointments and reverses"* experienced in the course of last campaign, and since so fatally illustrated by the subversion of one of the most respectable governments in Europe, the antient, the natural, and the most important ally of Great Britain.† With unrelaxed energy, however, we de-

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All the Electorate of Cologne, on the south of the Rhine, with its chief city.

The chief part of the Electorate of Mentz, on the south of the Rhine.

All the dominions of the Elector Palatine on the south of the Rhine.

The Duchy of Juliers, with its chief city, Aix-la-Chapelle, formerly subject to the Elector Palatine.

The Duchy of Cleves, with the city of Cleves, formerly subject to the King of Prussia.

In the South, the Duchy of Savoy, with its chief city Chamberry, formerly subject to the King of Sardinia.

The City and Coustadt of Nice, formerly subject to the same.

The Principality of Monaco, formerly subject to its Sovereign Prince.

From Spain, the greatest part of their rich provinces of Biscay and Catalonia, with their important garrisons, cities, and founderies.

* See the King's speech, Dec. 30, 1794.

† *Extract from the register of the resolutions of their High Mightinesses the States General of the United Provinces.*

Monday, February 16, 1795.

After a preliminary deliberation, it is found good and intended to resolve by these presents, that a commission of the assembly of their High Mightinesses shall be appointed to make known to the representatives of the French people at the Hague the resolution this day entered into with respect to recognising the supreme power of the people of the Low Countries, the declaration of the rights of men and citizens, and the abolition of the Stadtholderate, as well as of the dignities of Captain and Admiral-General in all their relations, and the discharge from the oath on the soi-disant constitution, by delivering to them a declaratory act in which the points aforesaid are detailed; to constitute this commission, the Citizens Van Haersolt, Lestevenon, Forsten, Van Citters, Stirk, Van Lierschoten, Scuylenberg, Van Pallande, and the register Quarles, are required and charged with the farther requisition, to make known on this occasion to the representatives aforesaid the ardent desire of their High Mightinesses, and of the people, who love the rights and liberties of the United Provinces, to form a solid confirmation between the two nations, as two republics equal and independent, and to conclude an alliance upon conditions reasonable and equally advantageous on both sides, in order that in this manner may be laid the foundation so much wished for of the strictest fraternity between two nations yet mentioned in the history of the human race, of which fraternity the certain consequences may be very well calculated and foreseen, as being extremely salutary both for the French and Dutch people, and for the advancement and consummation of a general peace in Europe.

The register Quarles being required to communicate to the representa-

clared "our cordial support of such measures as His Majesty in his wisdom should think necessary," and at an early period of this session resolved,

"That under the present circumstances this House feels itself called upon to declare its determination firmly and steadily to support His Majesty in the vigorous prosecution of the present just and necessary war, as affording at this time the only reasonable expectation of permanent security and peace to this country; and that for the attainment of these objects this House relies with equal confidence on His Majesty's intention to employ vigorously the force and resources of the country in support of its essential interests; and on the desire uniformly manifested by His Majesty to effect a pacification, on just and honourable grounds, with any government in France, under whatever form, which shall appear capable of maintaining the accustomed relations of peace and amity with other countries."*

That we now, however, approach His Majesty at a moment, when in the commencement of another campaign we see ourselves deserted by some of those allies on whose powerful assistance and co-operation His Majesty during the last campaign mainly relied,† and when others, to

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tives of the French people, that the commission aforesaid will take place on Wednesday next, at one o'clock in the afternoon.

Compared with the original.

J. G. H. Hahn.
(A true Copy) H. Quarles.

* See the amendment on the Duke of Bedford's motion, the 27th Jan. 1795.

† On the 28th of April, 1794, Lord Grenville presented to the House of Lords, and Mr. Dundas to the House of Commons, the following message from His Majesty:

GEORGE R.

His Majesty has ordered copies of a treaty, which has been signed at the Hague by the Plenipotentiaries of His Majesty, and the States General of the United Provinces on the one part, and by the Plenipotentiary of the King of Prussia on the other part; and likewise of a Convention agreed upon between the respective Plenipotentiaries of His Majesty and the States General, to be laid before the House: and His Majesty, relying on the zealous and affectionate support of his faithful Commons, in the vigorous prosecution of the war in which he is engaged, recommends it to this House to consider of making provision towards enabling His Majesty to fulfil the engagements which His Majesty has entered into, as well as to defray any extraordinary expences which may be incurred for the service of the present year, and to take such measures as the exigency of affairs may require.

G. R.

On the 30th of April it was moved in the House of Commons, in a Committee of the whole House,

That it is the opinion of this Committee, that a sum not exceeding two millions, five hundred thousand pounds be granted to His Majesty, for the service of the year 1794, to enable His Majesty to make good his

protect whose interests His Majesty originally interfered, are unfortunately thrown into the scale of our enemies.* Thinking it our bounden duty humbly to state our conviction that it is the general opinion of his people, that no probable advantages to be obtained by continuing the war with the present state of His Majesty's alliances, will bear the slightest comparison with the solid benefit likely to accrue from an immediate negociation for peace.

That without entering into a painful enumeration of domestic distresses, which, as they early called forth the salutary and healing interposition of the Legislature,† cannot have escaped His Majesty's paternal attention; or without minutely detailing the difficulties which embarrass ‡ every state

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engagement with His Majesty the King of Prussia, to be raised by way of loan on exchequer bills, &c.

Mr. Fox moved in amendment, to insert the sum of 1,150,000l. instead of the sum of 2,500,000l. which was negatived by 134 against 33. The original motion was then put and carried.

* *Extract of a Treaty of Alliance, offensive and defensive, concluded between the Republic of France and the Republic of the United Provinces. Hague, May 12, 1795.*

Art. I. The Republic of France acknowledges and guarantees the independence of the Republic of the United Provinces, as also the abolition of the Stadtholdership.

II. There shall be a lasting peace, amity, and good understanding, between the two Republics.

III. There shall also be an alliance, offensive and defensive, against all the enemies of the respective Republics, during the present war.

IV. There shall also be a lasting alliance, offensive and defensive, against Great Britain.

V. No treaty shall be entered into with Great Britain, without the consent of the two Republics.

VI. The French Republic shall make no peace whatever with any power, without comprising in it the Republic of the United Provinces.

VII. The Republic of the United Provinces shall furnish for the present campaign 12 ships of the line and 18 frigates, for the North Sea and the Baltic.

VIII. The Republic of the United Provinces shall furnish for the present campaign half the number of the troops which the Republic shall have on foot.

IX. All the forces employed in actual service shall be under the command of French Generals. The arrangements for the campaign shall be made in concert. The States General may send a deputy, who shall sit and have a deliberate voice in the Committee of Public Safety at Paris.

X. As an indemnification for the expences of the war, the Republic of the United Provinces shall pay to the Republic of France one hundred millions of livres, either in specie or in bills upon foreign powers, as shall be agreed upon.

† See Commercial Credit Bill.

‡ *Extract from the Exhortation of the Prince de Saxe Cobourg, dated Fouron le Compte, July 30, 1794.*

" Rise, then, German brothers and friends! on you will depend the

in Europe that now remains in alliance with His Majesty, we trust that the mere suggestion of these important considerations will induce His

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making it possible for your deliverers to live or die for your defence. I myself, a German Prince, full of solicitude, not less for the safety of my country than the preservation of my warriors, call upon you. Procure us subsistence, bring us provisions from your magazines. Think that in forwarding to us these painful succours, you secure, at the same time, your approaching harvest. Share with us your savings. To obtain what we want, employ the treasures of your churches: give your utensils and vases of silver to the Emperor, for the pay of your defenders. You will receive receipts for the payment in due form, and you will be paid interest for the pecuniary aids you have thus procured. Replace the resources of Belgium, which have been cut off from us, and now flow for our enemies. Nurse and relieve, with a solicitude full of charity, our sick and wounded."

This exhortation, we find, did not produce its desired effect, for, in His Majesty's message on the Austrian loan, it is stated, that some temporary advance which His Majesty was induced to make for the immediate supply of the Austrian army, under the pressure of unforeseen circumstances, in the latter part of the last campaign, will be included in any arrangement.

Substance of a Decree of the Imperial Court, dated Vienna, August 13, 1794, and presented soon afterwards to the Diet of Ratisbon.

Unfortunately, since the month of last January, the necessity of increasing the forces of the empire is become most urgent.

The war, on the part of the enemy, from the violent measures taken by the ruling party in France, and from the formidable superiority of numbers of their armies, having taken the appearance of the most obstinate offensive war, renders even the defensive operation of the combined powers not only painful and difficult, but requires an extraordinary exertion, combination, and union of power, to resist the destructive enterprises of enthusiastic hordes, encouraged by various and alarming successes; which exertion and extraordinary efforts, on our side, are the more pressing, and require the speedier to be put into execution as there is no time to be lost, lest the evil should rise to a degree which would render the united forces of the empire insufficient to stop its progress.

The country being in danger, ought to sound the alarm bell throughout the German empire. The measure of a quintuple contingent cannot but be an afflicting effort for the paternal heart of your imperial sovereign. His Majesty, however, hopes that such a measure, considering the present urgent circumstance, and the population of the German empire, will not be looked upon as extravagant. *The Emperor thinks it almost unnecessary farther to declare, that, on account of the sacrifices made during the three last obstinate campaigns in men and money, that His Majesty, without the co-operation of the states of the empire, is totally incapable by himself to continue the protection of the empire, his domestic resources being entirely exhausted, by having already strained all the political nerves of his hereditary dominions for the defence and protection of the empire.*

Extracts from the Memorial of the Imperial Minister Count Schlick, to the Assembly of the Circle of the Upper Rhine, presented on the 16th of August, 1794.

The putting on foot such numerous armies; the great expence of

Majesty speedily to use every honourable and expedient means for restoring the necessary blessings of peace.

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maintaining them with the current coin of the empire, the events of the war which have succeeded each other with such rapidity and changes of fortune, have required immense sums, which it was necessary to send from the hereditary states into foreign provinces, and to supply this His Majesty has sacrificed, with an unexampled generosity, his own revenues, the voluntary subsidies of his faithful subjects, and his individual abilities.

The spiritual and temporal communities of the superior and lower classes are still possessed of treasures which remain untouched, but which might be beneficially applied. The people of property, of every description, have a credit, which they ought to lend to raise great sums of money to complete that which the House of Austria, after such an immense influx of money into the empire, only drawn from its own hereditary dominions, is no longer able to afford by itself.

His Majesty's message to the two Houses of Parliament accordingly states,

That His Majesty thinks it proper to acquaint his House of Parliament, that he has received from the Emperor strong assurances of a disposition to make the greatest exertions for the common cause in the course of the next campaign; but it is represented, on the part of his Imperial Majesty, that these efforts cannot be made without the assistance of a loan, which his Imperial Majesty is desirous of raising on the credit of the revenues of his hereditary dominions, under the guarantee of His Majesty with the concurrence of Parliament.

With regard to our other German allies, Parliament has this year voted

To the Elector of Hanover	£.495,655
Landgrave of Hesse Cassel	333,253
Hesse Darmstadt	76,076
And to the Duke of Brunswick	92,242

The King of Sardinia receives annually, by treaty, 200,000

The reduced situation of Spain may be collected from the nature of the resources it had recourse to even during the last campaign.

Extract from the Madrid Gazette, Sept. 2nd, 1794.

The various events of war, having since the commencement of this second campaign, occasioned great expences and losses which could not be foreseen when the calculation of the necessary funds to conduct it were made in the outset, and it having become indispensable to seek new means to secure the interest, and the considerable capital which will be wanted to provide with the same exactness as heretofore for the subsistence and maintenance of the armies and the fleet, my paternal feelings do not permit me to burden afresh the poorer part of my subjects, who, on account of their greater number, contribute in a larger proportion to the exigencies of the state, and at the same time, with immense hazards and fatigues, expose their persons for the defence of all. I have thought justice and equity required, that the more easy classes—the most affluent and those who receive more immediate benefits from the government—should contribute with its property towards the expence: upon this principle, and by the unanimous opinion of my council of state, among other things, I have resolved,

That it is with pleasure and satisfaction we reflect, that a negociation so desirable in itself cannot be deemed inconsistent with any of those rules of the law of nations, which the wisdom of ages and the common consent of mankind have consecrated as the leading principles of national intercourse. For "every nation which governs itself, under what form soever, without any dependence on foreign power, is a sovereign state,"* and the existence of government acquiesced in by the people under its controul is the only feature in the condition of a country to which foreign powers, for the purpose of discovering a capacity of negociation, ought to direct their attention, there being no form of government which has not shewn itself capable of maintaining the accustomed relations of peace and amity with other countries.†

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that, from the first of the ensuing month of September, a deduction shall be made in the respective pay offices, from all salaries, pensions, grants, or other assignments, enjoyed by the persons employed in my Royal service, be it in what department soever, (the military alone excepted), either in Spain or in the Indies, of 4 per cent. on their gross amount, provided it exceeds 800 ducados (about £.160) per ann. and, that the same be also deducted from the military enjoying the rank of mareschal de camp inclusively, who are not in the actual service, observing that the exception I grant to the other officers of my army and navy not serving the campaign, extends merely to their pay according to rank, and not the pensions, salaries, or other grants they may have in any other, even should it be of a military nature; and the amount of all such deductions to continue not longer than two years after the termination of this war, shall be paid from the respective offices into my chief treasury. And moreover, *my counsellors of state having represented to me the most ardent and patriotic zeal, that the deduction in their salaries might be 25 per cent. since convinced of the justice and necessity of the war, they were ready to make not only such a sacrifice, but to extend it even to their lives and fortunes*; I have thought expedient to accept of their loyal and gracious offer; and in consequence the deduction of 25 per cent. shall be made from the salary of every individual counsellor of state, upon the same terms, and under the same restrictions and direction as the deduction of 4 per cent. aforementioned from the salaries of all other placemen and pensioners.

The clergy in clerical courts are largely taxed by consent of his Holiness the Pope.

The military orders, national as well as foreign, are taxed 8 per cent. on all their incomes in money, and 12 per cent. on all incomes in kind, by an order dated 4th February, 1795.

Paper dollars have been issued to an immense amount.

* Vattel.

† We find it stated by a modern author of received authority, that the same power who has a right of making war, of declaring it, or directing its operations, has naturally that of making and concluding the treaty of peace. These two powers are connected together, and the latter naturally follows the former. He elsewhere states, that a right of embassy (which undoubtedly implies a capacity to negociate) is incident to the existence of a *sovereign state*. And in another remarkable passage

That if doubt should any where exist on this subject, as the law of nations itself is a rule of action growing out of the common consent of independent states, it cannot fail to be removed by the acquiescence in these doctrines of so considerable a number of those powers, whose united authority forms the only competent tribunal in questions of such universal importance to the rights of nations.

We cannot therefore reflect on the intercourse maintained by France with the United States of America, as well as with the neutral powers of Europe during the whole of the present war *, on the treaties lately

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it is laid down, that foreign nations may receive Ambassadors and other Ministers, even from an usurper, and send such Ministers to him. The doctrine is asserted by the author in the following clear and explicit terms:

'Before I close this chapter it will be proper to examine a question, famous for being often debated, whether foreign nations may receive Ambassadors and other Ministers of an usurper, and send such Ministers to him. Here foreign powers, if the advantage of their affairs invites them to it, follow possession; there is no rule more certain, or more agreeable to the law of nations and the independency of them. As foreigners have no right to interfere in the domestic concerns of a people, they are not obliged to canvass and inspect its œconomy in those particulars, or to weigh either the justice or injustice of them. They may, if they think proper, suppose the right to be annexed to the possession. When a nation has expelled its sovereign, the other powers which are not willing to declare against it, and would not draw on themselves its arms or enmity, consider that nation as a free and sovereign state, without taking on themselves to determine whether it has acted justly in withdrawing from the allegiance of subjects and dethroning the Prince. Cardinal Mazarine received Lockhart, who had been sent as Ambassador from the Republic of England, and would neither see King Charles the Second nor his Ministers. If a nation, after driving out its Prince, submits to another, or changes the order of succession, and acknowledges a sovereign to the prejudice of the natural and appointed heir, foreign powers may here likewise consider what has been done as legal—it is no quarrel or business of theirs. At the beginning of the last century, Charles, Duke of Sudermania, having obtained the Crown of Sweden, to the prejudice of Sigismund, King of Poland, his nephew, was soon acknowledged by most Sovereigns. *Villeroy*, Minister of Henry the IVth. King of France, at that Court, in a memoir of the 8th of April, 1608, plainly said to the president Jeamin, *all these reasons and considerations shall not hinder the King from treating with Charles, if he finds it to be his interest*, and that of his kingdom.

VATTEL, B. iv. C. 2.

* *Extract of an Answer from the Republic of Genoa to the Official Note from the Emperor, dated February* 1794.

That at present the Republic was most grievously oppressed by the British navy; that there was no probability of the French committing any violation of territory against the Republic, *because that nation had always more particularly respected the neutrality of Genoa than the combined powers*; and that above all, the Republic of Genoa was determined to persevere in the observance of the strictest neutrality.

concluded with the Duke of Tuſcany, the King of Pruſſia, and the provisional Government of Holland; on the negociations that have been carried on by Spain, and on the ſtrong declarations of deſire to negociate, recently made by His Majeſty's intimate ally, the Emperor, as head of the Germanic body †, and ſeriouſly maintain a doubt of that capacity to

Extract from Counter-Declaration of the Court of Denmark, in Reply to the Memorial delivered by the British Miniſter.

The nation (meaning France) is there, and the authority which it acknowledges is that to which application is made in caſes concerning individuals. The commercial connections ſubſiſt likewiſe in the ſame manner as they did between England and France, as long as the latter choſe to preſerve peace. The nation has not ceaſed to acknowledge her treaties with us, at leaſt, ſhe conforms herſelf agreeable to thoſe treaties. As ſhe appeals to them, ſo do we appeal to them—and frequently with good ſucceſs, both for ourſelves, and even in favour of thoſe ſubjects of the Belligerent Powers who commit their effects to the protection of our flag. In caſe of refuſal and delay, we have frequently been obliged to hear, and often reluctantly, that they only uſed to make repriſals, ſince the nations with whom they were at war, ſhewed as little regard to their treaties with us; and thus the neutral flag becomes the victim of errors which it cannot reproach itſelf with. *The path of juſtice ſtill continues open in France.*

Extract from the Edict of the Grand Duke of Tuſcany, iſſued in March 1795, announcing the Peace with France.

Whilſt his Royal Highneſs enjoyed the ſatisfaction of ſeeing that Tuſcany, ſuperior as it were, to the occurrences of the times, reſted peaceful and quiet on that neutrality, *which was conſtantly reſpected by the French Republic*, he found himſelf involved in thoſe unpleaſant tranſactions, which are already known to all Europe.

† *Reſcript of the Emperor, preſented by the Imperial Miniſter to the Miniſters of the States of the Germanic Empire, at Ratiſbon, the 4th of May*, 1795.

The Miniſters of his Imperial Majeſty are charged to declare, in the name of His Majeſty, the Emperor and King, to the Envoys repreſenting the ſeveral Princes and States of the Holy Roman Empire, *that His Majeſty is ready to enter into negociations with the French Republic.* His Majeſty, without being too mindful of his own intereſt, will conſult thereby the real welfare of the Empire, and make it his ſole care to procure to the Empire, an acceptable, ſolid, and permanent peace. But his Imperial Majeſty has, alſo, at the ſame time, the juſt confidence in all his Co-States of the Empire, that they will co-operate with all their power, to accompliſh this deſirable end, and not enter into ſeparate negociations with the French Republic. His Imperial Majeſty expects, however, the ſpeedieſt declarations on this ſubject, and the Imperial Commiſſioner will ſoon preſent a declaration from the Emperor and King, explanatory of the ſentiments of his Imperial Majeſty. In other reſpects, his Imperial Majeſty cannot conceal, that the ſeparate treaty of peace concluded on the part of His Pruſſian Majeſty, even in his quality of a Prince and Co-State of the Empire, has been moſt unexpected to him.

negociate which so many powerful and independent states have acknowledged, and to whose decision His Majesty has added the acquiescence, and in a manner the authority, of this country, by a late mission to the Continent to negociate an exchange of prisoners: for we humbly conceive, that a nation cannot absolutely be thought incapable of maintaining the accustomed relations of peace and amity, which is treated with as capable of preserving and performing the stipulations which may be entered into for the humane and civilised purpose of alleviating the rigours of war.

That we humbly beg leave to assure His Majesty, that in thus anxiously recommending a speedy negociation for peace, we do not merely contemplate the general advantages which this country always derives from a state of repose and public tranquillity. But as we have seen with grief (whilst we have been occupied in considering the capacity of the present Government of France to treat) successive desertions from that general system of alliance on which His Majesty and his people chiefly grounded hopes of success; so if this reluctance to treat should continue, we cannot now help anticipating with poignant regret the eventful moment when Great Britain may be reduced to the sad alternative of either providing for the expences of all the allies, or of singly maintaining a protracted and destructive war in a cause not originally her own *, and in which this country was embarked with the assurances of the active and zealous support of almost every European power †.

That it is with confidence we therefore trust, that His Majesty's gracious and benevolent mind will be impressed by the separate and combined effects of those powerful considerations which we the more anxiously press upon His Majesty, as we approach his throne under a sincere and irresistible conviction, that the sense of the nation with whom His Majesty is engaged in hostilities, as well as the disposition of its present Government, affords no unfavourable opportunity for negociation ‡; and that

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* The grounds on which Great Britain was originally involved in the present contest have been the subject of much controversy: but it appears equally impracticable to dispute the proposition, that we embarked in a cause not originally our own. Whether we engaged for the purpose of protecting the States General, or united with the Austrians and Prussians in their anxious desire to restore the blessings of its ancient government to France.

† The extent of His Majesty's alliance may be learnt from a declaration to the Government of Genoa by Lord Hood and Sir Gilbert Elliot, dated St. Fiorenzo, the 26th of August, 1794, announcing the raising the blockade of Genoa, which concluded by declaring "that His Majesty reserves to himself the reclamations which the interests of his subjects, and those of his allies, which consist of the greater part of Europe, and of the human race, render indispensably necessary, respecting the future conduct of the Republic."

‡ The following extracts furnish strong presumptions of the disposition of the French nation, as well as of the leading men of its Government, towards peace:

Speech of Boissy D'Anglas, January 30, 1795.

And when a part of our enemies, discouraged by our success, or en-

an ardent and universal wish for the restoration, on fair and honourable grounds, of the blessings of peace openly avowed by many of your Ma-

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lightened by our experience, seem willing to let the earth respire; when the people, indignant at the calamities with which they are overwhelmed, seem every where commanding their Governments to put an end to the horrors of war, some cruel and crafty politicians would persuade them that we alone are insensible to the cries of suffering humanity; that we alone must thirst for their blood; that no peace can with us be safe or honourable; that the continuation of the war is advantageous to them; and, finally, this absurd contradiction, that, on the one hand, our pride and our ambition are too formidable for us to be treated with, and, on the other, that our efforts have too much exhausted us, not to afford hopes of certain success by continuing the contest.

We ought, citizens, out of respect to humanity, to expose these contradictions, reply to these calumnies, hold up the light to every eye, and unmask those Machiavelian Governments which, sporting with the blood of men and the fortune of the people, aim at raising a colossal greatness on the ruin of the principal powers of Europe. We ought to convince all virtuous men that we detest war without fearing it; that we are always ready to put a stop to its horrors, when a peace shall be offered to us consistent with our dignity, and capable of guaranteeing our safety. We ought, at the same time, to advertise the people of all nations that, ready to negociate with frankness, we will not suffer our arms to be paralised or our triumphs to be suspended by negociation, false or subtle.

Cambaceres' Speech in the Name of the Committee of Public Safety, 3d March, 1795.

Peace is the end of war; so many wars have been entered into through caprice, and continued to promote private interest, that Government have given to their subjects the full measure of their tyranny, and their perversity. It is ambition which makes Kings arm; it is justice which arms the people; and where is the people who, having dispatched the league of their enemies, overthrown their projects, and confounded their ambition, would refuse the most flattering of all glories, that of giving peace to the world, after having conquered it?

The diplomatic system of a Republic is not embarrassed like that of Courts; neither rights of blood, family compacts, nor marriage interests thwarts its measures. It knows no rights but those of Nations; the human species is its family, and it allies itself only to the interests of the people; its policy ought, therefore, to be simple and easy. Such will be yours.

Penetrated with the great principles of the independence of nations, of the reciprocity, the equality of rights and of duties among political societies, those who will be charged in your name to negociate with the States who may manifest a pacific disposition, ought to be able not only to maintain the rights and the dignity of the French people, but to assure other nations of external and internal security of our faith in treaties, and of the equity of our intentions, respecting navigation and commerce.

You cannot be accused of perpetuating the horrors of war: you will not have to answer for the blood which may continue to flow; the Republic, triumphant, prepared to fly to new triumphs, is desirous of peace; she wishes an universal peace, and such a one as for ever would assure the repose of the world.

jesty's allies on the Continent, pervades with equal influence the minds of your Majesty's loyal, faithful, and affectionate subjects at home *.

Extract of a Declaration of the King of Prussia to the Co-estates of the Empire, relative to the Treaty of Peace he has concluded with France.

Berlin, May 1, 1795.

All considerations on these, and many other relations, became certainly the more urgent and inviting, as at the termination of the last unsuccessful campaign, the crisis threatened on one side to reach the most dangerous point, but on the other, there began to rise in France, from the ruins of the precipitated system of terror, a more solid government of moderation and temperance, and the wise sentiment of its being in want of peace; at this period there could be but one wish, but one longing desire in Germany.

If after three bloody campaigns, fertile in death and devastation, the resources of the war were entirely drained, and all hopes of its farther continuance with success had vanished; if it became powerfully manifest that the almighty hand of Providence had given to the torrent of the hostile exploits at once so decisive a turn, and that all farther attempts to resist it would prove fruitless; if the enemy himself is not disinclined to embrace the offer of peace, and all hopes appear of obtaining it sooner than by an obstinate continuance of the war, did there still remain any choice? Could a wise and humane Prince then wish to see the horrors of war spread still farther, without measure, and to no purpose? Were not the Provinces (already overwhelmed with misery) sufficiently ravaged? Was not suffering humanity bent sufficiently low?

During the late disturbances in Paris, the opinion of the leading men relative to the desire of the people for peace, was strongly marked by their issuing a proclamation, intended to soothe the populace, in which hopes were given that a treaty of peace would be speedily concluded with another of the leading powers in Europe.

* On the authority of the late Lord Lieutenant of Ireland, it appears that the war is unpopular in that part of His Majesty's dominions, as he states in his letter to Lord Carlisle, that by his influence, and the credit of the persons whom he had employed, &c. he had caused "a spirit of "union and harmony to succeed to that general discontent and disaffec-"tion, as well against the system of the former Government as against "the war itself, which at the time of his arrival manifestly and avowed-"ly pervaded the bulk of the nation."

That those at the head of the Government of this country are not less versed or less practised in the little arts and managements alternately used, to bring forward or suppress the prevailing opinion of the Public according to the convenience of its existing rules, can hardly be doubted; and it may be left with safety to a Public, who have witnessed the art brought to a state of unparalleled perfection, to decide whether Mr. Pitt might not long ago have boasted, with equal justice, that he had managed to suppress "that discontent against the war, which manifestly and avowedly "pervaded the bulk of this nation."

The following important places have, in the course of the present session, petitioned the House of Commons against the war:

Hull,	York City,	Liverpool,
Carlisle,	Southwark,	Workington,
London,	Manchester.	Dundee,
Southampton,	Salisbury,	Colchester,
Norwich,	Durham City,	Dumfermline.

Lord GRENVILLE rose and said, he was willing to accept of the proposition laid down in the Address, viz. that a speedy and honourable peace was at all times desirable: But we were not embarked in this war, as the noble Lord had set forth in the Address which he had drawn up so elaborately; we were not embarked on account of the Dutch, or the navigation of the Scheldt, but by an unprovoked aggression on the part of the French. With respect to the question of an address to accelerate negociation, in whatever manner it might be disposed of, the proposal was liable to this objection, viz. that any declaration by any of the Houses of Parliament must tend considerably to weaken the hands of Government. Must not the impression made by this Address be of a discouraging nature?—It certainly must: and instead, as the noble Lord asserted, of strengthening the Government, it would be the most effectual mode of weakening it.—So far from allowing the Executive Government to be the principals in the business, the effect would be to promulgate the idea that Parliament has thought proper to take the business into its own hands, and to take on itself the responsibility of public measures. Whatever might have been the original grounds of the war, it has become now necessary to continue it—According to the reasoning of those noble Lords who chuse to raise the cry of peace, we must treat because we cannot continue the war: To this he would answer, that he was as desirous of a just and honourable peace as they could be, but to obtain a just and honourable peace was impracticable in the present moment; and can there be any thing more encouraging to an enemy than to hear Parliament make such a declaration that this country was not able any longer to carry on the war, and by that means inspiring them with the determination not only to prosecute it with vigour, but it would also put them upon demanding higher terms than they would otherwise think of doing? It would be impossible to place Government in a situation in which it would be more difficult to make either war or peace, than that proposed by the noble Lord. He did not think it worth while to detain their Lordships long on a question of such a nature; he would only advert to a few of the arguments adduced by the noble Lord. With respect to the peace of the King of Prussia and Grand Duke of Tuscany, and the proceedings of the Diet of Ratisbon, he desired their Lordships to recollect, whether these very points were not expected to take place long previous to their happening. The next grounds on which the noble Lord went, were the rescript of the Emperor, and the Austrian finances: With respect to the latter, this country had found out the means of relieving them without taking any burden on itself. It could not be denied that Austria was strong

in point of men and military resources, and this he hoped the noble Lord would have candour enough to acknowledge. In regard to the rescript, the objection made to that was, that it was issued at Ratisbon, at the time that we concluded the treaty with the Emperor at Vienna; this he thought did not prevent the object of the war from being happily accomplished. As to the reasoning of the noble Lord with respect to the Emperor, as Member of the Germanic Body and King of Bohemia, it was truly ridiculous; such reasoning would suit Coffee-house Politicians, who were little read in the Law of Nations. It was perfectly consistent that the Germanic Empire as a body might be at peace, when at the same time any particular Member might be at war. Notwithstanding the defection of the King of Prussia from the general confederacy, the situation of France was much more alarming than it had been at any former period. His Lordship asserted, that their finances were in a more ruinous situation than what he had mentioned when the question was last agitated. He had stated the discount on assignats to be at 70—they were now at 95; and their expenditure as much in a month as ours in a whole year. It was impossible, therefore, they could hold it out much longer. The noble Earl who brought forward this proposition had passed over, without the smallest notice, the present internal state of France, which, his Lordship said, was such, that no dependence could be had on any Government standing for a fortnight. The discontents and dissentions among themselves were so great, and in so many different parts of the kingdom, that if they should extend themselves, this country might yet have an opportunity of giving assistance to one party, and thereby give a preponderance to the scale. His Lordship contended, that the Emperor was able and willing to co-operate vigorously with this country in the prosecution of the war, and it was politic in us to be allied with him. He said that the Ministers of this country had no idea of the French Government being in a capacity to maintain the relations of peace and amity in the mission of Sir Frederick Eden—that gentleman had been sent to France, not to propose a negociation for peace, but to see if they were capable of carrying on the war like a civilized nation, and it was found they were not. Ministers here had understood, that vast numbers of our brave seamen were rotting in jails in France, without the common necessaries of life; they had therefore determined to try the experiment of an exchange of prisoners with the French, which, contrary to all rules of former wars, had been cruelly and ferociously refused. The noble Earl had asked him a question which he owned was not proper to be asked—had admitted the delicacy of his situation—and yet had insinuated

pretty broadly to their Lordſhips that they had offered to enter into more extenſive negociations. This was a queſtion which he did not think ought to have been aſked, but as it had been aſked, he would anſwer it. He did not know of any ſuch intimation having been made to Sir Frederick Eden. His Lordſhip ſaid, he flattered himſelf the Houſe would ſee the great impropriety of entering into any negociation of peace at preſent. The French were in poſſeſſion of a great deal, which it would be impoſſible, for the ſafety of this country, and for the ſafety of Europe, that they ſhould be permitted to keep. The offer to treat now would defeat the poſſibility of that being given up; and without it, the war muſt be proſecuted, let the conſequences be what they might. The preſent ſituation of France was ſuch, that there was every proſpect of our ſucceeding to a very great degree, and therefore he ſhould certainly give his negative to the preſent motion.

The Earl of GUILFORD thought the ſpeech of the noble Secretary of State the moſt alarming which had been made in all the diſcuſſions which had taken place on this ſubject. He ſaw clearly that Miniſters were determined to carry on the war, at all events, till that and the other Houſe of Parliament ſhould interfere and put a ſtop to it. They ſeemed reſolved to riſque the exiſtence of the country, rather than the exiſtence of their ſituations. Their excuſe was, that to enter into any negociation would ſhackle Government. He could not believe that any ſuch thing would be the reſult of a negociation. There was no doubt but that the Emperor of Germany might make peace as a Member of that body, and continue the war as King of Bohemia; and that the King of England might be at war with France, and the Elector of Hanover at peace; but notwithſtanding this *fineſſe*, he felt it his duty to endeavour to ſtop the tide of carnage and blood—notwithſtanding the prophecies of the noble Lord (Grenville) relative to what muſt enſue to France, the allies loſt province after province, until they were completely drove beyond the Rhine. Was it not ſaid in France, that whenever any plot was detected, that it was carried on by the gold of Pitt? And could we think by proceeding in this manner to have better opportunities of treating? Certainly not, and the only effect of it would be, to drive the French to deſperation. He concluded by giving his hearty aſſent to the motion, and his thanks to the noble Earl for bringing it forward.

Lord MULGRAVE oppoſed the motion—he ſaid, this was certainly not a time to treat, when France was in a ſtate of ſuch internal diſſention, that even her two fleets were in different parties. He aſked if thoſe who were ſo much for negociation, had thought

on the queſtion, with whom they would treat—would they wiſh to treat with the people in Paris, or with thoſe at Toulon—would they treat with the fleet in Breſt Water, or with that at Toulon—if they treated with one, the other would be againſt them. Every exiſting circumſtance proved that it was not a proper time to treat, and therefore, he ſhould follow the example of his noble friend Lord Grenville, and give his negative to the motion.

The Earl of LAUDERDALE replied to the argument of Lord Grenville. His Lordſhip ſaid, that the noble Secretary of State had ſpoken with great exultation about the miſſion of Sir Frederick Eden, and had ſaid, that Miniſters had ſent him to France not to negociate a peace, but to try if they could carry on war like a civilized nation, which they had proved they could not. He was ſorry to hear the noble Lord expreſs himſelf in thoſe terms, for he could not ſuppoſe that it was either a ferocious diſpoſition or want of civilization, that induced the French to act as they had done, on the ſubject of an exchange of ſeamen. He accuſed the noble Lord, and His Majeſty's other Miniſters, of cruelty and neglect to their fellow countrymen, the ſailors of our fleet, now rotting in the gaols of France, in not having endeavoured to obtain an exchange long before the time they did. Two years had elapſed, and nothing of this kind had been attempted; and it was not till after the application of Miniſters to both Houſes of Parliament to raiſe men in ſuch a way as had never before been known in this country, which being made public, came to the knowledge of the French, who finding our diſtreſs for ſeamen at the preſent juncture, refuſed to agree to an exchange. This was the true reaſon of their refuſal, and Miniſters ought to have prevented it, by a more early endeavour to have ſettled an exchange, which might have been eaſily done if it had been attempted. As the buſineſs was managed, it was not propoſed to them as a liberal exchange, but on a narrow policy of getting from them the ſailors they had taken; therefore they refuſed, in which they acted wiſely. Had Sir Frederick Eden been inſtructed to open a liberal negociation for peace, there was no doubt but they would have treated; but they refuſed to treat upon a ſubject which was temporary and partial, and which was intended only to enable us to carry on the war againſt them with additional vigour.

Lord GRENVILLE replied to that part of the noble Earl's ſpeech which related to the ſuppoſed negociation for the exchange of ſeamen priſoners. Sir Frederick Eden's embaſſy, he ſaid, was merely experimental, and as to the aſſertion that no overtures had been made before, he believed that if they had, they would not have been attended with much ſucceſs.—There were other parts of the noble

Earl's speech, and questions put to His Majesty's Ministers, to which it became them not to give any sort of answer to whatever. After a loud cry of question! question! from the Bishops' bench,

The Earl of LAUDERDALE said that he was a little surprised that the eagerness and cry for the question, as well as the impatience to get away, proceeded mostly from those noble Lords who had not been in the House till very late in the debate. He was as unwilling to detain the House as any man, but certainly some farther explanation was necessary than had been given by the noble Lord respecting the delay in applying for an exchange of prisoners. Two years had elapsed before any exchange of seamen had been thought of, and then the experiment was tried at a time when, after having declared to the world, by our measures at home, the difficulty we had in getting men for our navy, it was impossible any proposal for an exchange could be agreed to by the French. He also blamed Ministers for not coming forward with a vigorous press at first, and then they would have got the men for the navy, whom the merchant ships had carried out, and, being taken, were now in the French prisons.

Lord GRENVILLE said, that the noble Earl now blamed the Ministers for having refrained from distressing the commerce and trade of the country as long as possible.

The question being called for, a division took place—

Not-Contents 53; Contents 8. Majority 45.

Monday, 8th June.

On the second reading of the Datchet Canal bill, and on a motion for its being committed,

The Marquis of BUCKINGHAM moved as an amendment, "that it be committed for this day three months."

Lords COVENTRY, CARLISLE, RADNOR, and CAERNARVON spoke in favour of the bill; they were opposed by Lord Moira at considerable length, the Duke of Clarence, Lord Moreton, and the Lord Chancellor.

On a division there appeared for the amendment,

Contents, 38; Not-Contents, 8.

Tuesday, 9th June, to Tuesday, 16th June, inclusive.

No debate.

Wednesday, 17th June.

The Emperor's Loan bill was read a second time, ordered to be committed to-morrow, and read a third time on Friday next.

The Duke of GRAFTON moved, that their Lordships be summoned for Friday.

Thursday, 18th June.

The Prince of Wales's Establishment and Debt bill, the India Importation bill, the Glass Duty bill, and several other public and private bills, were brought up from the Commons and read a first time.

The Prince of Wales's Establishment bill was ordered to be read a second time on Monday next, and the House to be summoned for that day.

Friday, 19th June.

The Earl of LAUDERDALE requested their Lordships' attention to some observations which he had to make to them respecting the bill for providing an establishment, and for paying the debts of the Prince of Wales, which was to be read a second time on Monday next. He took this opportunity of opening the matter to their Lordships, in order that being possessed of his reasons for the motion he intended to make, they might make up their minds, or at least so turn it there as to come prepared upon the subject. His Lordship said, that the bill he now alluded to, was founded upon the Prince's consent—the preamble recited that it was, and yet it had passed the other House without any proof of this consent being actually given, except by what had been said by a gentleman in that House, that the Prince had so given it. He said, that by the forms of that House, which he hoped their Lordships would never depart from, as they were the very fundamental principles of justice—no bill which concerned a private individual, to which the consent of that individual was necessary, could, by the forms of that House, pass without that consent being proved in so clear a manner as to be put upon their Lordships' journals; and, surely, if such nice care was taken of the rights of an individual, those of a Prince were equally deserving of attention. The bill contained many restrictions of a very extraordinary nature, and many grants of a very extraordinary kind. It was necessary therefore that the Prince's consent should be so proved as that it might be put upon the journals. No document had hitherto been produced to the House to this effect, nor did he see how it could be so, except by a message from His Majesty. He hoped, that before the next reading of the bill, some of the noble Lords in Administration would bring forward something of this kind, otherwise their Lordships, who were the first Court of Judicature in the kingdom, must break through all their established forms, a very

dangerous experiment, and a very terrible example, or else refuse to pass this bill. His Lordship said he should on Monday make a motion, and begged now to know of the noble Lord (Grenville) whether he would oppose it, viz. for all the Judges to attend the House; and he informed their Lordships that his reasons for desiring such attendance was to put questions to them for their decision, as to the legal claim of the Prince of Wales to the arrears of the Duchy of Cornwall.

The Duke of LEEDS observed, that with respect to the necessity of a message from His Majesty, there was a direct precedent, not many years back, to the contrary—and this was, that when the exchange took place between Somerset-House, which had been settled as a jointure on Her Majesty, and Buckingham-House, in the bill for effecting which Her Majesty's consent was necessary, that consent was given by one of the Officers of Her Majesty's Household, the Earl of Waldegrave.

The LORD CHANCELLOR left the Woolsack, and stated, that he thought the noble Lords who had brought this matter forward were irregular. In the case of private bills where consent was necessary, the bills were read a first and second time, and the consent was only produced before the third reading; that would therefore be the proper time to bring the business forward; but it seemed to him that when a bill had actually passed the House of Commons, which contained a recital of the Prince's consent, that the coming from that House, after passing through all the forms of it, was ample proof of the Prince's consent having been fully and regularly proved to them, and consequently sufficient for their Lordships to proceed upon.

The Earl of LAUDERDALE differed with the Lord Chancellor as to the point of irregularity; he could see no irregularity in letting their Lordships know the grounds on which he should oppose the second reading of the bill, and contended, that the bill having passed the House of Commons was by no means sufficient proof of the Prince's consent for their Lordships to proceed upon, without departing from their forms and orders, and without shewing to the world that their Lordships were nicely scrupulous of disposing of the property of a private individual, without his most formal consent, while, at the same time saying, the property of a Prince, and to a very great amount, was to be affected without any care or attention to those forms which were so rigidly adhered to in cases of private persons. This struck him as a very extraordinary doctrine, and an odd proceeding, and such as he hoped their Lordships would not countenance. What had fallen from the noble Duke, respect-

ing the consent of the Queen, strengthened his argument, and shewed that some evidence of consent was necessary. He begged to know of Lord Grenville, whether he would oppose the motion which he had mentioned, respecting the attendance of the Judges.

Lord GRENVILLE said, that his noble and learned friend had certainly been misapprehended by the noble Earl as to the point of irregularity. His learned and noble friend did not mean to say, that the noble Earl was irregular, in having disclosed his reasons for what he intended to bring forward, and thereby enabling noble Lords to turn the business in their minds, a conduct very candid, fair and liberal; but only that it was irregular to have drawn the matter now into debate. As to the motion of the noble Earl, respecting the attendance of the Judges, as far as he could judge at present, he should oppose it.

The Duke of GRAFTON supported the arguments of the Earl of Lauderdale, respecting the necessity of adhering to the forms of the House in all cases of property, where the consent of the party was expressly necessary; and differed with the Lord Chancellor that the circumstance of the bill having passed the House of Commons, was sufficient evidence of the Prince having given his consent. It certainly was not; for though the Prince did give his consent to the proposition which was first brought into the Commons, the bill, in its various stages in that House, had been so completely and totally altered, that it was altogether a novel bill, and not by any means that to which the Prince had originally given his consent, for which reason his Grace thought the consent of the Prince should be proved to their Lordships, according to the usual and established forms.

The Earl of LAUDERDALE then gave notice, that antecedent to the second reading of the bill on Monday, he would make a motion for the attendance of the Judges, and moved that the Lords be summoned.—Ordered.

The Earl of MOIRA, in a short but impressive speech, called the attention of the House to a petition which had long been upon the table, and which, in his mind, was entitled to very serious consideration. In agitating this subject formerly, he had the misfortune generally to be opposed by that part of the House technically called the Law Lords, notwithstanding every endeavour to conciliate their assistance. His opinions remained the same on this subject they had always been, and he was still convinced of the necessity that there was for something effectual being done in the matter; his only reason for rising to state this now was, by way of apology to those who thought as he did, for not having brought the subject forward sooner. At the time he gave the notice, he had no reason to

think that he would have been able to attend that Houfe fo often as he had done. It was now too late in the feffion to proceed in it; at the fame time, he wifhed it to be known, that he ftill had the object as much at heart as ever, and was convinced that it could not long remain without inveftigation by Parliament.

The order of the day for the third reading of the Imperial Loan bill being read,

Lord GRENVILLE faid, after the ample difcuffion which this fubject had formerly undergone, he had nothing to add, but fimply to move, that the bill be now read a third time.

The Duke of NORFOLK faid he had long been in habits of difapproving of the conduct of thofe whom His Majefty had thought proper to appoint as his Minifters. The more he had watched that conduct, and the longer the country had experienced the calamities and difgraceful confequences of it, the lefs was he inclined to give them any countenance or fupport: On the contrary, every tie of duty and confcience obliged him to expofe their incapacity, and refift their meafures, which uniformly tended to the difafter and ultimate ruin of the country. He did expect that Minifters, particularly the Minifter in whofe department this tranfaction officially was, would have thought it his duty to give the Houfe fome explanation of a meafure which he could not hefitate to call one of the moft dangerous and deftructive that the worft of Minifters in the worft of times could have propofed. Before the Houfe was called upon to agree in this meafure, they ought to know what was the real object of it; and before they agreed to lay fuch a burden on their conftituents as this loan would be, they ought to know what were the benefits to be derived from it, and whether, if any could arife, there was a chance of the terms of the treaty being fulfilled. His Grace was particularly fevere on the conduct of Minifters refpecting the treaty with the King of Pruffia laft year, and the fcandalous failure of that Prince in all the engagements he had come under to this country. This, he thought, ought to have been a leffon to Minifters, and from the experience of what had paffed, they ought to have known what the people felt;—The bad policy of fuch alliances, and the little dependance that was to be had on fuch Courts. Having argued ftrenuoufly against the bill, he declared he would refift the third reading of it.

The Duke of GRAFTON followed on the fame fide, and agreed fo completely with the noble Duke, that he would not detain the Houfe at length, determined, however, after attending to any thing that Minifters had to fay in fupport of this meafure, to referve himfelf for fuch a reply as their arguments might call for. If the

House was to agree to such a measure without better reasons than any yet before them, he scarcely knew language harsh enough to describe their conduct—Guilty, as he upon his conscience would think every man who countenanced it, of sacrificing his duty to the Public, and betraying the trust reposed in him. He contended that the experience of what had taken place last year in the conduct of Prussia, ought to have put Ministers upon their guard; and that they ought to have known that by the general and almost unanimous voice of all descriptions of people in this country the present measure was justly and severely condemned: This he could easily collect from the company he mixed with, and he believed that company to be of a description as intelligent and respectable as those that any other Member of that House had access to. He was against the third reading of the bill.

Lord GRENVILLE made a short reply, conceiving it, as he before stated, unnecessary to go over ground so often stated in that House before. Before noble Lords complained that this loan was a burden upon the people, they ought to know whether it really was so or not. In his opinion it neither was an immediate burden, nor was it probable that it ever would be a burden on this country. As to the noble Duke's assertion, that the measure and the conduct of Ministers was unpopular amongst the company that he kept, it was very likely so to be with all those who, like the two noble Dukes, disapproved of the war, and therefore were against every means for carrying it on; but surely nobody would advise Ministers, who were convinced of the justice and necessity of the war, to forego what appeared to them proper measures, from any dread of unpopularity attaching to them from the quarter he had just alluded to. As to the conduct of Prussia, which certainly had not terminated as Ministers or the country could have wished, this was the first time that he had heard that because we had been disappointed in one ally, we were not to form any other alliances; or that taking it another way, because there was a possibility of a treaty being broken, that afforded an argument why no treaty should be made. He contended that the majority of that House, the majority of the other House of Parliament, and the majority of the People at large, were for continuing the war with vigour, until a safe, honourable and permanent peace could be established, and that they were equally sensible of the necessity and the propriety of Continental alliances, whenever we were involved in a war with France. From the present measure there was much to be hoped, and little to be dreaded. The inclinations, the interest, and the situation of the Emperor, all tended to give ample security for the fulfilment of this treaty, and his ex-

ertions to render it as beneficial as possible to this country. Except the House of Austria were supposed to be lost to all sense of shame, and totally regardless of good faith in the eyes of Europe, they might as well commit an act of national bankruptcy at once, as fail in the performance of this treaty. Nor was it to be expected that the Emperor would be guilty of a breach of faith, at a time when he had so many reasons to keep well with this country. After alluding to some other points that had been noticed, he thought it would be a waste of time to detain their Lordships, by a repetition of what they had heard from him on a former occasion, and wholly unnecessary, from the conviction and vote of the House at that time.

The Earl of LAUDERDALE said the extraordinary introduction of this motion to-day, surprised him as much as it had done his noble friends, who expected that before Ministers would call upon the House for their assent to a measure of such magnitude, some arguments would have been offered to convince them of its propriety and utility. This, however, the noble Lord had completely avoided, and told their Lordships in rather an extraordinary manner, that after what he had formerly said when the treaty was discussed, there was no necessity for his adding a word now. To those who, like himself, had attended to, and recollected the noble Lord's speech of that day, it must appear that so far from going amply into the subject then, so as to make all future explanation unnecessary, the noble Lord had stated it as a reason for not doing so, that the time would come when the loan would be discussed, and then, as was his duty, he would be prepared for every thing that could be said on the subject. This was the day therefore on which he must consider the noble Lord as solemnly pledged to give the House the fullest information he could, instead of treating them in the way he had done, by referring them to his former speech. This measure, he argued, was entirely new in its nature, and never had been resorted to by any former Minister, even in the worst of times: so truly novel indeed, that the noble Lord and his colleagues might claim the exclusive privilege of it, a monopoly of their own invention. The noble Earl then attacked the provisions of the bill, which had been very improperly called wise; in his opinion they were extremely loose and inadequate to any secure purposes, even if the bill had been unexceptionable in its principle. He went into a minute investigation of the terms of the loan, and proved by accurate calculation, that they were as disadvantageous to this country, as the security was dubious of the Emperor's fulfilling his part of the agreement. He maintained that the creditors of the Emperor were much better off from their own ingenuity than the Public were from the attention

of Minifters. Meffrs. Boyd, Benfield, and Co. feemed to know much better how to take care of their own intereft than the Minifters did how to attend to the interefts of the country. He then adverted to another part of the bill, and remarked the omiffion of having provided any fecurity for the repayment of the money already advanced to the Auftrian Generals laft year. In the minds of moft men, when fuch a negociation was going forward, it would have occurred that this was one of the firft things to be attended to; but fo much had it been neglected, that by the prefent bill the Emperor might take the whole loan, without doing any thing for it; and no fecurity whatever was given that he would repay what he had already got, and only a chance of payment and a fimilar chance of his fulfilling the other parts of his engagements. With regard to the actions of the Bank of Vienna, a part of the fecurity fo much boafted of, the noble Lord, upon the moft accurate and minute calculation, contended that the whole of that part of the fecurity was only a fecurity for a certain term of years; while there was to be oppofed to it an annual expence paid by this country, for a time that would make its amount much to overbalance all that would be produced by thofe actions. According to the terms of the bill, a continued annual expenditure of this fort could only be provided for by a fund in perpetuity. He noticed what had been ftated of the probability that the fums advanced laft year, might be paid back in November or December 1795, but was at a lofs to find out why thofe were to be reckoned the months of greateft plenty at the Bank of Vienna. It was in December 1794 that this money had been called for, and it was in thefe choice months that the Prince Cobourg had defcribed the Emperor's coffers as entirely drained, and in confequence the total impoffibility of continuing the war without our affiftance. Why then fo much was to be expected from them this year he could not tell. He was furprifed that Minifters had not been taught experience from the example of Pruffia; the univerfal opinion of the country was, that they ought never to have loft fight of that Prince's conduct in their future alliances with German Princes. Laft year, in our treaty with Pruffia, it was in our power to ftop the fubfidy when we faw proper; but, this year, the whole of the Emperor's loan by this bill was gone, nor was there any check left upon him to fecure payment. He deprecated the manner in which the noble Lord had perverted the fentiments of his noble friend on this point, and was forry to fee that fuch perverfions fometimes had their effect, which was the reafon the noble Lord thought it prudent, however unfair, to fly to them. It was the fafhion now to compliment the Emperor as an ally; fo it was to compliment the King of Pruffia

last year; and he much doubted whether next year we might not hear similar language held respecting the Emperor as was now used to Prussia. The many calamitous changes and circumstances that had since taken place, he thought would have induced Ministers to change their tone. He would ask those who spoke so high of the honour of the House of Austria, and their strict adherence to alliances upon all occasions, what there was in the present situation and circumstances of the Emperor, that made him more to be trusted than last year. He rather thought he could have the authority of persons high in His Majesty's Council, for saying, that he had acted with the grossest treachery towards an unfortunate individual. When this treaty was first brought before the House, the Minister laid much stress on the manifest eagerness and anxiety which the Emperor shewed to use every exertion in his power for the common cause, and this was held out as a great inducement to court an alliance with him; but would the noble Lord state how he had manifested that anxiety, and what he has done during the present campaign? At this period of the season last year the fate of the campaign was decided, and since that time to the present hour he knew of nothing done that could any way facilitate peace, or tend towards a vigorous prosecution of the war on the part of the Emperor. He had traced the various untoward events that had happened, and now found Luxembourg in the hands of the enemy, one of the very strongest fortresses in Europe, and by far the most essential to the Emperor. Was there any symptom of probable success by continuing the war? Or must we think that he had any chance to get it back again? In short those disasters and calamities pressing so constantly upon one another during the present war, in whatever way Ministers or majorities might chuse to look upon them in that House, they must weigh with the people without doors, and though for the present they remain silent, and many appear stupid and slothful under the continued pressure of calamities, burdens and distress, yet if Ministers go on as they have done, so regardless of the public interest, the time will come when the odium excited by their disgraceful measures, will break out in a manner not so easily to be quieted. With regard to the proceedings of the present campaign, we had been told that while continental alliances were necessary, we were exerting ourselves by carrying on a vigorous naval war, and our great successes in the West Indies, as well as our attention and protection to our islands, in that part of the globe, had been triumphantly stated. Perhaps he would again hear of our having sent thither twenty-four thousand men, but melancholy was the reflection, if the truth was known, how few of those men ever arrived. And it was no less a

curious than a distressing circumstance, that while Ministers were boasting of their successes in the West Indies, they were at the same moment obliged to issue a million and a half of Exchequer bills for the relief of the inhabitants of those islands, on account of the calamities which this *successful* war, and the great protection we gave them, had brought upon them. A bill, to this purpose, he understood, would soon be on their table, and when it appeared, he must oppose it as one of the most unconstitutional, of the many measures of that nature, which the present Ministers had attempted to force upon the country. He next adverted to the projected descent upon France, and asked, if this was a time when it could possibly be supposed, that such a chimerical attempt was practicable. It was one of those many absurd experiments, which had been contrived to delude the people, and never had come to any thing. They had uniformly been as ridiculous in their promises to the Public, as they had been weak and silly in the execution even of their own plans [a cry of Hear! Hear! from Lord Grenville.] The noble Earl said, he knew not what the noble Lord's opinion might be on the project of a descent on France, for it was as impossible for rational men to define the ideas of the present Ministers upon any occasion, as they would find it to pay a continual annual sum out of a fund that was not in perpetuity. But after their absurdity, which he had so often been obliged to expose for the last three years, he wondered he could have taken notice of what the noble Lord might mean. He stated the grounds of opposition taken up by himself, and those who acted with him on similar principles, against the present war. He blamed the Ministers, first, for not doing their utmost to get the country out of the scrape into which they had brought it; secondly, for a total want of energy and exertion in carrying on the war; and thirdly, for not being convinced, from the repeated miscarriages and fatal effects of their Councils, that their incapacity was such as to make them totally unfit for their situations. It was curious enough to hear the noble Lord upon all subjects, introducing in lofty tones the great prosperity of the country. It reminded him of the case of an unfortunate man, who had died while listening to his Physician telling him that he had no bad symptoms, and was in a fair way of enjoying perfect health: this was precisely the case between the Minister and the country; and he much feared, that while Ministers were talking of the prosperity of the country, at some not distant day, if they continued in power, they would bring the Constitution and their country to an unexpected end. Before he sat down he must remind the House of the alteration which had recently taken place in the Emperor's situation from last year: The death of

the son of the late unfortunate King of France, was an event that ought not to be passed unnoticed; while he lived, the Emperor, from relationship, had a family interest in the contest with France, which did not now exist. How then was it to be supposed that he was disposed to enter into the war with greater fury and eagerness than ever, after he had actually been treating with France for peace, as a Member of the Germanic Body, and when there no longer existed such a family interest as he had just stated? Certainly in every view of the subject, there was less chance of success in his exertions, and from every consideration of interest, duty, and connection, there was ground to think that he was sincere in his declaration to the Diet, and insincere with us; he had no money to get there—here he expected a loan. The noble Lord had made a distinction between a loan and a subsidy, but was forced to acknowledge that there was some degree of risk, and that risk he considered as of worse consequence than the loss of a subsidy. He concluded by reprobating the whole measure, as novel, unprecedented, absurd, and ruinous in its tendency, and would therefore oppose the third reading.

The Earl of MANSFIELD complimented the noble Earl for the powers of his eloquence, but lamented that he had bestowed so much of his invective on the character of the first Sovereign in Europe, to whom this loan was proposed to be granted. He declined following the example of the noble Earl in the manner of discussing the question before their Lordships, which appeared to him to be this:—Whether the measure now proposed would, in its probable consequence, lead to a vigorous prosecution of the war?—In his opinion it had that tendency in an eminent degree; and in every respect was highly desirable. He maintained, that, in all the wars in which we had successfully opposed France, she had to contend with other powers on the Continent; and it appeared to him to be wise policy that the present war should be of the same nature. France was now unfortunately possessed of Flanders and of Holland: the latter was now indeed become a mere province of France.—To dispossess France of such an inordinate share of power was, and ought to be, the object of all those who prosecuted this war; and, the better to do so, 200,000 men were to be brought into the field by His Imperial Majesty, on condition of this loan being granted. He trusted, that we should be finally successful in the present contest: But he dreaded the effect of the eloquence of the noble Earl, whose speech, no doubt, would be reported in detail:—the effect would possibly be that of inducing the French, exhausted as they were, to suppose that this country was on the verge of ruin, and all the powers in the confederacy in the same state; and that therefore they would

consider themselves as the arbiters of Europe. Such stile of speaking tended to prolong the war instead of procuring peace. The noble Earl then proceeded to take notice of the situation of the Emperor, and argued that the willingness of the Emperor to negociate as Emperor, had no effect on his interest as King of Hungary and Duke of Austria, for these were characters out of which very different duties and interests flow; and the law of the empire was, that every independent Prince was bound to prosecute the war, however unwilling, while a majority of the empire were in favour of the war. This law was as binding on all the powers of the empire as a majority in Parliament was upon this country, and would be as well enforced if power were equal to right. Upon the question of the probability that the Emperor would fulfil his engagements with us, his Lordship confessed he entertained but little doubt. Had His Imperial Majesty no interest in recovering Flanders, and all the territories which the French had taken from him?—Had we no interest in confining France to her ancient limits? Was it not the interest of all established powers of Europe that Flanders and Holland should be restored to their former condition, and subject to the same power which they acknowledged previous to the commencement of the war? These points appeared so clear to him, that it was sufficient merely to mention them. The present loan was for the purpose of prosecuting the war with vigour, and he trusted that our efforts would be attended with success. As to the plan of the campaign, he apprehended that no practical utility could arise from any attempt to discuss it in public; much of its merit must consist in its present secrecy. In every point of view which he was capable of placing the present measure, the noble Earl said he saw it a wise and prudent one, and therefore it had his hearty assent. Lord Mansfield said, that he would close with that calm, fixed, and deliberate opinion with which he had commenced the present and several preceding sessions—that this was a war for the preservation of order, government, and civilized society, that it was a war in the cause of humanity, in which every man had a right to say to his neighbour, "This is my war, and it ought to be yours."

The Earl of GUILFORD said, that if the present was a war necessary for the preservation of those objects described by the noble Lord, the probability was, that we must soon bid farewell to order, government, and civilized society. The noble Lords had argued, that it was a war so supereminently connected with the interests of this country, as if we alone ought to bear all the expence of carrying it on. They at the same time attempted to justify this measure of the loan to the Emperor, on the ground that it was attended with

no poſſible riſque to this country. After the experience of the inefficacy of the ſubſidy to the King of Pruſſia, and the uſeleſs expenditure of 1,200,000l. of the public money, he ſhould have thought, that Miniſters would have been on their guard not to fall into a ſimilar ſcrape. But the preſent was a meaſure even of leſs caution than the Pruſſian ſubſidy, ſince there was no poſſibility of ſuſpending the payment of the ſum, though the object for which it was granted ſhould not be fulfilled. What was the engagement of the Emperor to bring into the field during the preſent campaign 200,000 men, and as many more as he could? Theſe were expreſſions, after his declaration to the whole of Europe, of his inability to make farther exertions, and the notoriety of his inſolvency, he thought, were dearly bought at the price of four millions ſix hundred thouſand pounds, the whole burden of which was likely to fall upon the diſtreſſed and deluded people of this country. What was the danger which was ſuppoſed particularly to threaten this country, and which the war was intended to avert? The propagation of French principles. This danger, he would have ſuppoſed, was not to be apprehended in a country like this, enjoying liberty, poſſeſſing every advantage, and furniſhed with the means of reſiſting oppreſſion. Such a danger he ſhould think more to be dreaded in countries ſuch as Auſtria and Bohemia, where the ſovereign was ſtated to have the power of carrying on a war contrary to the general ſenſe of his ſubjects. As to the energy to be derived to the operations of the war from this meaſure of the loan, if the energy of the Auſtrians had failed even in the height of their power, could it in their preſent exhauſted ſtate be expected to be rouſed by a ſum of four millions ſix hundred thouſand pounds? What had been their energy in former campaigns? He wiſhed that a noble Lord had been preſent in that Houſe to ſtate, that to their ſupineneſs had been owing the loſs of Toulon. He wiſhed that an illuſtrious perſonage, at the head of the army, was preſent to ſtate, that to their ſupineneſs alſo had been owing the ſubjugation of Flanders. It was impoſſible for him not to advert to a myſterious expreſſion of a noble Lord (Grenville,) that it was not to be expected that the Emperor would be guilty of a breach of faith at a time when he had ſo many reaſons to keep well with this country. Myſterious expreſſions he had always found to be the forerunner of great calamities, and he ſhuddered at the contemplation of the new engagements which the country might be brought under by ſome treaty now going forward, to which he ſuppoſed the noble Lord might allude.

Lord HAWKESBURY ſaid, he differed moſt materially from the noble Earl, both with reſpect to his opinion of the war in ge-

neral, and as to the propriety of this particular meaſure. He conceived that the debate had turned principally upon two points; firſt, as to the policy of continuing the war, and ſecondly, as to the propriety of adopting the meaſure now under their Lordſhips' conſideration. Upon both of theſe points he ſhould take the liberty of intruding for a few minutes on the attention of their Lordſhips. He ſhould not now take up their Lordſhips' time, by entering into a diſcuſſion of what were the cauſes of the war; the opinion of their Lordſhips had been frequently taken upon that point; but he ſhould confine himſelf merely to the queſtion, whether we ought or ought not to continue the war? It had always been a maxim, invariably adhered to by the greateſt Stateſmen this country every produced, not to ſuffer any Powers in Europe (and more particularly the French) to gain ſuch an aſcendancy in Europe, as might endanger the ſafety of the other States. This was a propoſition which did not want the ſanction of great names to enforce it; it carried conviction upon the face of it. If then this was admitted, the only queſtion to be conſidered was, whether France had at this moment acquired ſuch a degree of power as was incompatible with the intereſt, or, to ſpeak more properly, with the ſafety of Europe? In anſwer to this queſtion, he requeſted their Lordſhips to reflect, that France was at this time in poſſeſſion of Holland, of the Auſtrian Netherlands, and nearly of three Electorates of the Empire, excluſive of the territories of ſome petty Princes, which he did not think neceſſary to mention. It uſed formerly to be held as an indiſputable point, that Flanders ſhould be in the poſſeſſion of Auſtria, as a barrier to the power of France; now not only Flanders but Holland was added to her power. By the poſſeſſion of the latter, ſhe became miſtreſs of a number of ports, which would enable her to annoy us in the part where our naval force was undoubtedly the weakeſt. If from a due conſideration of theſe points, it was clear that we could not make a peace under the preſent circumſtances, with any regard to the future tranquillity of Europe, or the ſafety of Great Britain, he was ſure it would not be denied to him that it was better to carry on the war with allies than without them. What was the reaſon that the Roman empire extended itſelf over all Europe, and indeed, to ſpeak properly, left at laſt but one power in the world? It was, that the other powers did not form a combination among themſelves to reſiſt, but fell ſingly ſacrifices to its exorbitant force. It was exactly the ſame caſe now with France; the moſt ſtrenuous exertions were neceſſary to oppoſe her; and if, after all oppoſition ſhould be found ineffectual, he hoped that Engliſhmen would be the laſt to recede from a glorious conteſt in defence of ſocial order.

The next point which had been difcuffed was, as to the propriety of adopting the meafure propofed by this bill. In all our wars with France, the neceffity of a Continental alliance, in order to divert the attention and force of the enemy, had been admitted; and the ufual mode of procuring that alliance was by the means of fubfidies. In the prefent inftance, the cafe was materially altered in our favour; the Emperor did not demand a fubfidy to induce him to carry on the war—he felt the neceffity of profecuting it vigoroufly, and applied to us not for a fubfidy but for a loan. He wifhed to put it to the confideration of fuch of their Lordfhips as admitted the propriety of carrying on the war, whether it was not wife for this country, in order to fecure the affiftance of the Emperor, to run the rifque of guaranteeing this loan? It was not fair to ftate this as a queftion, whether this country was to be burdened with a large fum to enable the Emperor to carry on the war; for he confidered the chance we ran as a very fmall one, notwithftanding all that noble Lords had thought proper to fay of the faith of the Princes of the Continent. The fecurity given by the Emperor was as full as we could defire; we had, in the firft inftance, his hereditary revenues; we had befides the fecurity of the Bank of Vienna. He did not mean to ftate the latter as a fecurity equal in point of validity to the Bank of England, but, on the other hand, it was not fo infecure as had been reprefented. But above all, we had the advantage of the Emperor's intereft ftrictly to adhere to the terms of the loan. It was very well known that none of the European Princes now carried on a war by means of their regular revenues; they were always obliged to anticipate their revenues by means of loans—but if the Emperor fhould violate his engagements with us, he would put it out of his power hereafter to have recourfe to fuch means of defence. Upon the whole, therefore, it appeared to him, that the rifque we ran was fmall, and the probable advantage great, and therefore he fhould give his fupport to the bill.

The Earl of DERBY faid, that if the war was to be continued till Flanders and Holland were recovered from the power of the French, and the loan was granted to the Emperor to enable him to carry on the war for that purpofe, it would not be contended that this was the only loan which would be wanted: as foon as the four millions fix hundred thoufand pounds had been exhaufted, a frefh advance to the Emperor would become neceffary. Was this then to be made a precedent for granting fimilar loans to the Emperor in future years? He confidered that the great object to which we had to look was the internal defence of the country. Every fum employed for fuch a purpofe as the prefent was fomething taken

from our resources. And what would be our situation, if, at last, when our means were exhausted, we should find ourselves compelled to look to this object of internal defence? Every guinea drained from the national purse weakened our ultimate hopes of security. The present war he had always considered as a mad project; and, in his opinion, the sooner we got out of a mad project the better.

Lord SYDNEY expressed himself as anxious for a peace as any man in that House; but much as he wished for so desirable an event, he would rather continue in a state of war, than conclude a peace which had no appearance of durability. Did noble Lords, when they were pressing their arguments for a peace, consider whether it was possible to attain it or not? He very much doubted that fact; and if he looked to the speeches and proclamations in France, he saw no symptoms of any desire of negociations with us. His Lordship enlarged on the hostility which the French, in the present war, had discovered to this country; a proof of which was the memorable expression used in the Convention, *Delenda est Carthago!* and their constant cry, "Peace with all other countries, but war, eternal war, with the English." He would not wish this country to stand alone in the contest, or to prosecute the war without the co-operation of allies. The cry against Continental alliances had first been circulated in this country, at the period of the disgraceful peace of Utrecht. He would not be worthy of the blood that flowed in his veins, if he did not give to that peace the epithet disgraceful. Swift and Bolingbroke, in their writings, inculcated the sentiment that this country had nothing to do with the Continent, in order to depreciate those glorious victories which had been gained during the war, though nothing could be more false than such a sentiment.— His Lordship here quoted the passage from General Dumourier, in which he praises the neutrality so long observed by this country, and the wisdom of those instructions transmitted by Ministers to the Ambassador at Paris, and ascribes the war to the folly of Brissot, and the atrocity of the murder of the King.

Ministers had been censured for dismissing Monf. Chauvelin in a manner unworthy of a man filling the character of an Ambassador. He believed, that at the time that gentleman was sent over here, it was intended to have sent over the Bishop of Autun; but he being a Member of the Constituent Assembly, could not come over, and therefore they sent over *Le petit Chauvelin*, as they called him, as his substitute. Of this gentleman he had heard the following anecdote, viz. "Chauvelin was at a house, when one of the Princes of the Blood happened to enter; his Royal Highness seeing Chauve-

lin, immediately, with great propriety, retired," when the latter exclaimed, "The Houfe of Brunfwick were born always to run before the French." His Lordfhip then proceeded to contend, that if thofe Lords who were againft the war were to fucceed in driving the Minifters to make peace, that they would be the ftricteft and moft minute critics in examining it. There was no neceffity of going very far back into hiftory to find an example to prove that propofition. His Lordfhip concluded with giving his entire fupport to the motion.

The Earl of GUILFORD faid, that if the French had adopted the fentiment, that Carthage was to be deftroyed, Minifters, by the conduct which they adopted, had made this country a Carthage, and engaged it in a conteft which involved its exiftence. They had converted the war from a war for the fafety of Holland into a war for the prefervation of order, government, and civilized fociety. He was happy to hear one fentiment of the noble Lord who had fpoken laft, that he would not wifh this country to continue the war without alliance. If Minifters were to adopt this fentiment, he conceived that in the prefent afpect of things on the Continent the probability of our continuing the war much longer was greatly diminifhed.

Lord GRENVILLE faid, he did not think he fhould have been under the neceffity of troubling their Lordfhips any more upon this fubject, particularly after the full and convincing manner in which it had been argued by his noble friends; but as this was probably the laft time this feffion that he fhould have an opportunity of difcuffing this fubject, he wifhed to advert to one or two points, which he was anxious fhould not be mifreprefented to their Lordfhips nor to the Public. The noble Lords had recurred to their old charge, of our being the aggreffors in the war: This was a fubject which their Lordfhips had decided upon fo often, that he was afhamed to take up their Lordfhips' time in faying any more upon the fubject. One authority, however, he would take the liberty of quoting, and he believed that fome of their Lordfhips would not confider it as unimportant, and that was, the authority of Monf. Briffot; he openly declared in a pamphlet, that he engaged the country in a war with England, for the purpofe of cementing the revolution. But it had been faid, that if we were not the aggreffors in the war, at leaft the Emperor and the King of Pruffia were, by entering into the treaty of Pilnitz. [Vide Debrett's State Papers, Vol. I. page 2.] Here again he muft beg to fet noble Lords right in point of fact. When the mild and amiable Sovereign of France, Louis XVIth, had nearly effected a pacification with the Emperor, fome time after the

treaty of Pilnitz was done away, his efforts were thwarted by Mr. Brissot and his party; his Minister torn from him; and he himself was compelled to go down to the National Assembly, and declare war against Austria and Prussia. Mr. Brissot does not stop here, but goes on boldly to avow the diabolical purpose of his heart: He says, "I foresaw the difficulties which the King must be involved in by a war with Austria, and that it would ultimately lead to his ruin, and therefore I forced him to it." Could any noble Lord, after this, contend that Austria or Prussia, much less England, were the agressors in this war? on the contrary, it must be evident that we were driven into it, by the unprovoked perfidy of the French.

The House then divided.

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Monday, 22d June.

Lord GRENVILLE moved the order of the day, for the second reading of the bill for enabling His Majesty to settle an establishment on his Royal Highness the Prince of Wales, to make provision for the liquidation of his debts, &c.

The Earl of LAUDERDALE called their Lordships' attention to the subject of which he had given notice, he meant the putting certain questions to the Judges, with regard to matter involved in the present bill. This appeared to him to be absolutely necessary, in every view he could take of it. Whether it was considered as a measure which would occasion the laying of new taxes on the people, or as a duty their Lordships owed to their Sovereign, to the Prince, or to themselves, it was such as required the greatest caution, formality, and deliberation. It had once been understood, that any Peer of Parliament might, of his own accord, call for the attendance of the Judges, in order that their Lordships might be put in possession of the opinion of those learned men before they decided on any matter which involved any thing of a question of law; but he knew this doctrine would now be disputed, and therefore before he could expect to have the assistance of those learned characters in that House, he must state his reasons for desiring it. He could not, however, see how their Lordships could justly resist the proposition which he intended to submit to them. The subject which it was his object to discuss now, was, the right of the King to the proceeds of the estate of the Dutchy of Cornwall. Upon this question, or rather on the question of the right of the Prince to that property, a very high authority in another place had expressed an opinion on

the Wednesday, of which, on the Friday following, he had expressed a doubt. This of itself appeared to the noble Earl to be ground sufficient for their Lordships to call on the Judges for their opinion. His duty as a Peer of Parliament called on him to ask their Lordships to proceed in this formal and solemn manner, although he confessed it was to him no very pleasant task, for he was aware that for an unlearned man to bring forward questions of law in that House, was to expose himself to great danger. It was, as had been observed by a celebrated character, like playing at cudgels in a toy shop. But as most of their Lordships, although of enlightened minds on general subjects, must be like him, unlearned men with regard to legal distinctions, he thought the best method they could do was to call in the aid of the Judges, in order that they might not be afterwards liable to the reflection, that they had proceeded on a subject which they did not clearly understand. On the question of the right of the Prince of Wales to the proceeds of the Dutchy of Cornwall, it was not necessary for him to enter much at large. That right he apprehended to be acknowledged by the Act of Edward III. and by subsequent legal determinations, many of which his Lordship touched upon. It might be unnecessary perhaps to shew, that as this bill involved a question of law, the opinion of the Judges ought to be taken on it, for he saw no distinction which could deprive the Prince of any right which would belong to any subject with regard to the inheritance of his estate. He could not surely be said to possess less advantage than any other individual with regard to the protection of property: and with regard to the idea that the Dutchy of Cornwall did belong to the Prince, he confessed he had never heard an argument that wore even the appearance of plausibility: if any of their Lordships differed from him upon that point, this would be an additional reason for calling on the Judges to deliver their opinion. It had been said that the revenue of the Dutchy of Cornwall must always be employed to support the dignity of the Prince of Wales. That after his Royal Highness became of age, and when an establishment was to be settled upon him, he was ready and most willing to allow his dignity ought to be supported; but he wanted to know what was to be understood to be the state and dignity of an infant? In such a situation he could see nothing applicable to him but care and attention, and that appeared to be the case with respect to his Royal Highness during his minority. Here his Lordship proceeded to shew from the 23d of Henry VI. that at that time the Dutchy of Cornwall was understood to be the property of the Prince, for Parliament passed that very act to allow the King to receive the proceeds of the Dutchy on condition of his allowing ali-

ment, &c. to the Prince, until he ſhould arrive at the age of 14 years. He did not mention theſe things with a view of calling on the Houſe to determine the queſtion now; he called for no diſcuſſion; he only aſked their Lordſhips to take the opinion of learned men upon the ſubject, to whom they had the power of reſorting whenever they thought fit. He might be told, that as there was a legal right in the Prince of Wales to the Dutchy of Cornwall, the law of the land was open to him; ſuppoſing that to be true, he would call on the Houſe to conſider the ſituation of the Prince and of the Sovereign, and to inquire whether this mode of aſſerting his right was deſirable, or whether that Houſe ſhould not have the opinion of the Judges before they proceeded on this bill. If there was any difficulty in the way of his Royal Highneſs, he was ſure that conſidering all the circumſtances, none of his creditors would be bold enough to make the claim for him, and therefore he truſted their Lordſhips would, upon reflection, ſee the propriety of calling for the opinion of the Judges upon this ſubject, and he did not think there was a man in that Houſe who would think he had done his duty, and lay his hand upon his heart, and ſay ſo, if he did not call for that legal aſſiſtance which the great body of their Lordſhips muſt ſtand in need of upon this ſubject; for they ought to know before they proceeded on ſuch a bill as this, what were the real funds of his Royal Highneſs. He ſhould therefore move, "That the Judges do attend the Houſe on Wedneſday next, to hear certain queſtions to be ſtated to them upon this ſubject." Should the Houſe agree to this, he ſhould then have four queſtions to put to the Judges, to the following purpoſe:

Firſt—"What eſtate has his Royal Highneſs the Prince of Wales in the Dutchy of Cornwall?"

Secondly—"When did that eſtate veſt in him?"

Thirdly—"At what period did he become entitled to receive the property?"

Fourthly—"Was the King entitled to receive the proceeds of the Dutchy of Cornwall to his own uſe without rendering an account to the Prince, in conſideration of his having maintained his Royal Highneſs during his minority?"

The Earl of MOIRA ſaid, he wiſhed his noble friend to withdraw his motion, but not from any opinion that his Royal Highneſs was not entitled to all the arrears of the Dutchy of Cornwall; on the contrary, he thought his Royal Highneſs entitled to every ſhilling of it from his birth, as much as he was entitled to his own eſtate at this moment; but, as had been ſtated when the ſubject of the debts of his Royal Highneſs was agitated ſome years ago, he had a

remedy at law. As to the idea of any difrefpect accompanying the affertion of the claim, he owned he did not fee it, nor after all that had happened, could he conceive it poffible to entertain juftly any fuch idea, as all the grounds of delicacy upon this fubject were now entirely done away, for it had been alledged, that the whole of the income of the Dutchy of Cornwall had been applied to public purpofes, and that none of it had gone into the coffers of His Majefty. It was clear, therefore, that his Royal Highnefs had a right. It was pretty nearly as clear, that it was a fubject not fit at prefent to be decided in the Houfe of Lords. The queftion then was, What mode fhould his Royal Highnefs adopt to profecute his claim? To this he would anfwer, by a fuit in the Court of Chancery. He could not think that Minifters would be fo illiberal as to throw any obftacles in the way. If the determination fhould happen to be adverfe to the intereft of his Royal Highnefs, he could come to that Houfe by appeal. They fhould not now obftruct the progrefs of the law. They fhould fay to the Prince, " Try your right as an individual. If the decifion fhould be adverfe, the higheft Court in the kingdom is open to you; bring forward your appeal to the Houfe of Lords." Then would come with propriety, a queftion to the judges. If there was in the bill now before the Houfe any provifion that would embarrafs the profecution of this claim, he fhould agree with the noble Earl in putting thefe queftions to the judges; but there was no fuch thing, and therefore he thought the motion improper at this time. He had not the honour of being commanded by the Prince to fay any thing upon this fubject as to his wifhes upon it; but he believed that his Royal Highnefs never had any idea of claiming thefe arrears, but fo far as to render them applicable to the difcharge of his debts. If the arrears themfelves were to be decided upon as belonging of right to his Royal Highnefs, it muft become a queftion, what money was due to his Royal Highnefs? and that could be decided only in a Court of Chancery. He would repeat, that if the decifion in that Court fhould be againft his Royal Highnefs, he could then appeal to that Houfe. Under thefe impreffions he hoped the noble Earl would withdraw his motion.

The Duke of CLARENCE obferved, that this was not at all a political queftion: if it were, he fhould not have faid any thing upon it. He faid, a friendfhip had fubfifted between him and his Royal brother, the Prince of Wales, and, he trufted in God, would continue as long as they lived; but he was not directed by his brother to take any part in this, as a party queftion. He had no doubt, that, if a claim was inftituted in the Court of Chancery, every thing that was candid and liberal would be obferved on the part of His

Majesty's Ministers. His Royal Highness then read a part of His Majesty's message to Parliament for an establishment to the Prince of Wales. Now, if it should appear that the Dutchy of Cornwall really belonged to the Prince, he would then be able to pay, out of his own property, all the debts he had contracted since his former incumbrances had been so generously discharged by Parliament; in which case this bill would be unnecessary. Here his Royal Highness entered into some calculations on the arrears of the Dutchy of Cornwall, to shew the amount of them.

Lord THURLOW observed, that the present motion was unnecessary, and a little irregular. There was no distinct question before their Lordships, in the bill before them, that called for any assistance on a point of law with regard to the Dutchy of Cornwall. The right of the Prince to the Dutchy of Cornwall was a question on which most persons who had read any thing upon the subject, had formed some opinion; but there was nothing in the bill that tended to decide any thing upon that right, and therefore there was no necessity of asking the Judges any question upon the subject. If there had been a distinct provision in the bill respecting that right, it might then be proper to consider whether any and what question should be put to the Judges; but he saw no way in which these dry and abstract questions could be pertinently put to them in the course of the discussion of this bill, insomuch as it did not contain any declaration whatever on the right to the Dutchy of Cornwall.

The Earl of LAUDERDALE was not convinced of the impropriety of his motion by any thing he had heard in opposition to it. He observed, amongst other arguments, that this was a bill for liquidating the debts of his Royal Highness. That illustrious Prince had, like many others, when young, spent some money, improvidently perhaps; but surely it was not improper for the Public to know whether it was their money or his own he had dissipated: which it would be impossible to know until the question of his right to the Dutchy of Cornwall was ascertained.

The Earl of Lauderdale moved, that the 25th Standing Order of the House should be read by the Clerk. The Standing Order was, that there should be no discussion upon any Bill of Supply, which contained any clause foreign to, or different from, the matter of the bill.

The Earl of Lauderdale affirmed, that the bill for granting an establishment to the Prince, came precisely under this description. What could be more foreign to the matter of such a bill, than regulations for taking away a certain part of the income of his Royal Highness? Could any two things be more inconsistent than giving

with one hand, and taking away with the other? The House therefore, consistently with their standing order, were bound to reject the bill.

Lord GRENVILLE stated that the bill was perfectly consistent; it was a bill for granting an establishment to his Royal Highness, and regulating his expenditure, and nothing more was introduced, but what was strictly appertaining to those objects. He instanced the case where a bill had been brought in for paying the debt on the civil list, and in like manner regulating its future expenditure.

The Earl of LAUDERDALE said, that if the House were to admit such an explanation, the effect would be to render their standing order perfectly nugatory. It might always be said, that a bill was for such and such purposes, however inconsistent these might be with one another.

Lord GRENVILLE moved the order of the day for the second reading of the Prince of Wales's bill.

The Duke of BEDFORD proposed, that the second reading should be put off for a day or two, in order to afford their Lordships more time to consider the principle of the bill, and that in the mean time, the bill should be printed.

The Earl of Guilford, the Duke of Grafton, and the Marquis of Buckingham, all concurred that so many clauses had been added to the bill in the Commons, and the copy which had been read to their Lordships was in consequence so confused and intricate, as to render such a proceeding highly eligible.

The LORD CHANCELLOR said he meant to have moved that the bill should be printed in the first instance, but that it had been suggested to him that it did not come under the description of bills usually printed.

Lord THURLOW said that he did not conceive that the rule for not printing Bills of Supply applied to the present bill.

Lord GRENVILLE stated the question involved in the bill to be of the most grave and weighty discussion, and that whenever it came forward, he trusted that it would be treated with proper candour, without any reference to party considerations. As it seemed to be the sentiment of several of their Lordships, that the bill should be printed previous to discussing the principle on the second reading, he for his part had no objection.

The Earl of LAUDERDALE said that when the discussion came forward, he should have much to censure in the mode of proceeding which had been adopted by Ministers on this occasion.

The bill was ordered to be printed, and to be read a ſecond time on Wedneſday.

Tueſday, 23d June.

No debate.

Wedneſday, 24th June.

Lord CHOLMONDELEY ſtated, that he was authoriſed by his Royal Highneſs to ſay, "That he would acquieſce in whatever meaſures the wiſdom of Parliament might think fit to recommend."

Lord GRENVILLE moved the order of the day for the ſecond reading of the bill granting an eſtabliſhment to his Royal Highneſs.

The Duke of CLARENCE ſaid, that having ſtated on a former occaſion, that he ſhould act in this buſineſs without any regard to party, he now roſe to deliver his ſentiments, before an opportunity had been afforded to noble Lords to mingle political obſervations with the diſcuſſion. Whatever were his ſentiments with reſpect to the bill, whether he was ſatisfied with the whole, or only with parts of it, he ſhould certainly vote that it might paſs. Though he objected to the principle of the bill, there were, he confeſſed, parts of it which met with his entire approbation. He began with remarking on the title of the bill, and ſaid he ſhould chiefly confine his obſervations to that part of it which related to the proviſion to be made for the payment of the creditors. It naturally and properly became an object to grant a ſuitable eſtabliſhment to the Prince on account of his marriage.—In granting this eſtabliſhment, it might have been ſuppoſed that the Prince had now come to an age, at which he was fully capable of acting for himſelf, and would of his own accord have been diſpoſed to take meaſures to free himſelf from any incumbrances, which he might have contracted. But inſtead of allowing him the merit of taking meaſures of his own accord to pay his creditors, the authors of the bill had taken the popularity of ſuch a ſtep out of his hands. That other proviſion, which made the different officers of his Royal Highneſs reſponſible for the expence incurred under their ſeveral departments, he highly approved. He conceived it to be a meaſure extremely neceſſary for the dignity and comfort of every Prince of Wales. A Prince of Wales, by a particular law, became of age at 18, while every other ſubject was not of age till 21. A young man at that age, when the paſſions were at their height, and in his ſituation, might be led into expences beyond his income, and which perhaps might border on extravagance

Such a circumstance he could not consider as a serious reflection on a young man of eighteen. He remarked, that those who had been concerned in bringing forward this business, instead of acting as they ought, had so managed as to take away all popularity from the Prince, in order to center it in themselves. The bill to prevent future Princes of Wales from contracting debts, instead of going hand in hand with the present bill, had been so brought in as to be attended with a marked personality to his Royal Highness. He should make some remarks on the manner in which the business had been introduced into Parliament. He should not, on the present occasion, betray any thing that had passed in private conversation. But it was a notorious fact, that when the marriage of his Royal Highness was agreed upon, there was a stipulation that he should, in the event of that union, be exonerated from his debt. What could his Royal Highness understand by this stipulation, but that measures should be taken for the immediate exoneration of those debts—not, as by the provisions of the present bill, that they should be left hanging over for the space of nine years and a half, and perhaps, even a longer period. The authors of the bill had stated, that the credit and stability of the Throne depended upon the support of the independence and dignity of every branch of the Royal Family, particularly of the Prince of Wales; was this the method they had taken as the best calculated to support that dignity and that independence? His Royal Highness had, indeed, expressed his acquiescence in whatever measures the wisdom of Parliament might think fit to recommend. But what was the situation in which he was placed? The bill was in one point of view a public bill, as was every bill which related to any part of the Royal Family; but it was more strictly a private bill, as nothing could be done without the consent of the Prince. Advantage then had been taken of the difficulties in which he was involved, in order to procure from him this consent. He was forced to express his acquiescence, in order that something might be done. He was in the situation of a man, who if he cannot get a haunch of venison, will rather take any other haunch than go without. His Royal Highness alluded to the vast number of pamphlets which had been published in order to influence the minds of the good and generous people of England against his brother. He knew persons in another place, who possessed great powers of eloquence, and abundant choice of animated expressions. Those persons had exerted their powers in order to support the measure of granting a subsidy of 200,000l. a year, to the King of Sardinia, a sum of 1,200,000l. to the King of Prussia, and lately the loan of 4,600,000l. to the Emperor. But though on these

occasions, they displayed all their stores of animated language, when they brought forward the situation of his Royal brother, they prefaced what they had to propose with the expressions—" an unpleasant task—an arduous undertaking—the distresses of the people in consequence of the war—the regret of laying additional burdens on the Public;" yet he must remark, that, if they had adopted, with respect to his Royal brother, a language somewhat more favourable, as to the impression it was calculated to give of his conduct to the country, they would not have had a vote less to the present bill. The obloquy and unpopularity that had been thrown upon the Prince had not been confined to the proceedings and speeches of persons in the other House; but people out of that House had been employed by persons whose duty ought to have impelled to a contrary conduct, to write and publish the most indecent and scurrilous pamphlets, painting the Prince's conduct in the basest colours, and endeavouring to lessen him in every shape in the eyes of the Public. It was a fact, he said, notoriously known to almost every man, that the greatest pains had been taken to circulate these pamphlets, which, from the quarter they came, shewed, that however they might affect to fear for the safety of the monarchy, their actions did not betray the highest respect for it, in endeavouring to lessen in the eyes of the Public the Prince who was next to succeed to it. He remarked on the situation of the Princess of Wales, a lovely and amiable woman torn from her family; for though her mother was the King's sister, she might still be said to be torn from her family, by being removed from all her early connections; what must be her feelings from such circumstances attendant on her reception in a country, where she had a right to expect every thing befitting her high rank, and the exalted station to which she was called? As a friend to the Prince, he, however, would not oppose the passing of the present bill, for he was convinced that the sooner it was passed, the sooner would its absurdity and malignity appear. If, as had been stated by a noble Lord, the arrears of the Dutchy of Cornwall were due to the Prince during the period of his minority, that question would quickly be brought forward, and he trusted that the noble Lord before whom it would come to be argued in his judicial capacity, and whose justice could not be impeached, would throw no impediment in the way of its speedy decision. If the Princess had children, an event which might soon be expected to take place, the very movers of the bill would be convinced of its absurdity and inhumanity, and would themselves be obliged to come forward with amendments on its present provisions.

The bill was then read a second time.

Lord GRENVILLE ſaid, that when, on a former occaſion, a noble Duke (Grafton) had expreſſed his opinion that nothing ought to be done in the preſent buſineſs, till it had been firſt diſcuſſed in the other Houſe of Parliament, that opinion, though accompanied with more aſperity than was perhaps neceſſary, was ſo conformable to the ſentiments of Miniſters, that he himſelf meant to have made an almoſt ſimilar propoſition.—He contented himſelf on that occaſion, with moving a ſimple Addreſs of Thanks for His Majeſty's communication. In diſcuſſing this ſubject, it was evident that no grant made to the Prince, could be rendered effectual for his eaſe and comfort, except means were at the ſame time taken to relieve him from his embarraſſments. It was neceſſary therefore to make proviſions with a view to that object. The interference of the hand of Parliament alone could effect that purpoſe which was deſirable with reſpect to the Prince himſelf, or give proper ſecurity to his creditors. It was ſatisfactory to know from the authority of his Royal Highneſs, that he was diſpoſed to acquieſce in whatever meaſures the wiſdom of Parliament might think fit to recommend. But if no ſuch meſſage had been delivered, every one who was acquainted with the character of his Royal Highneſs, and the principles in which he had been educated, muſt have been aſſured of his reſolution to teſtify ſuch an acquieſcence. He had a clear and decided opinion that the grant to be made by the preſent bill to his Royal Highneſs was not more than what conſtituted a proper eſtabliſhment for the maintenance of his ſtate and dignity. Out of that grant, however, a very large ſum was to be appropriated to the diſcharge of the debts of his Royal Highneſs. The queſtion then was, Whether, under the preſent circumſtances, Parliament ought to have taken upon itſelf the payment of the debts, and to have aſſigned the whole of the eſtabliſhment unincumbered to his Royal Highneſs? He wiſhed to take every opportunity to inculcate the ſentiment of affection to the Royal Family, and he was perſuaded that the illuſtrious Perſonage himſelf, who was moſt intereſted, would not, under all the circumſtances of the times, have deſired any propoſition to have been made to pay his debts, which ſhould have had the effect to leave him in poſſeſſion of his full and unincumbered income. If it was neceſſary to make proviſion for the ſupport of the ſtate and dignity of the Prince of Wales, and the grant made by the bill was not more than ought to be aſſigned for that purpoſe, the next point was a queſtion of great nicety, namely, What ſum ought to be appropriated out of the grant for the payment of debts? On the one hand was the conſideration of that ſtate, which it was neceſſary to ſupport, and which muſt unavoidably be curtailed

by any large appropriation; and on the other, the consideration of the much longer period during which the Prince would be left under his embarrassments, if only a small sum should be set apart towards the liquidation of debt. He must own that the proportion set apart for this purpose was a much larger one than he should have been disposed in the first instance to submit to the House. But coming before their Lordships in the shape in which it now did, recommended by the weight and authority of the House of Commons, and apparently sanctioned by the general voice of the country, he thought it was that sum which they not only ought to permit to stand in the bill, but which it was even desirable for them to adopt. The interest and character of the family to whom the illustrious personage belonged, had always found their best support from the affection and approbation of the people, and it was desirable that their conduct should ever be in unison with the sentiments of the country. The situation in which his Royal Highness had professed his disposition to acquiesce was one which would tend to place him high in the hearts and minds of the people, and to accelerate that period to which they must all look forward with so much satisfaction. With respect to that part of the bill which related to the regulation of the expenditure, it would hardly meet with any opposition. It was to be wished that some such arrangement had been sooner adopted. The same regulations had been applied to the civil list, which was for the maintenance of the regal state and dignity; the present were calculated to answer the same object with respect to the Prince. He concluded with moving, that the bill be committed.

The Duke of BEDFORD said, that he rose upon the present occasion with more than common diffidence. He was sensible that the question before their Lordships required the utmost coolness and deliberation; at the same time he felt that what he had to say would be pleasing to no party. He felt considerable pain in being obliged to blame the rash extravagance of the Prince; he had less difficulty in adverting to the conduct of His Majesty, as he knew that Ministers were responsible for the part which he had been advised to take on the present occasion. He certainly would have opposed the bill, had not the message been that day brought down to the House, stating the acquiescence of his Royal Highness. The bill itself he considered as extremely objectionable, as it referred to two points, which were in themselves perfectly distinct. He certainly approved of the conduct of His Majesty in having stated in the message to Parliament that his Royal Highness was much incumbered with debts. But the conduct, which he thought that they ought to have adopted was, either to have voted the necessary sum for his estab-

liſhment, and left to himſelf to take the proper meaſures for ſatisfying his creditors, or to have waited till ſuch time as he had choſen to come forward to requeſt the aſſiſtance of Parliament for the purpoſe of their liquidation. Conſidering the riſe of all articles, he did not think an addition of 25,000l. above what had been granted to former Princes of Wales too much on the preſent occaſion — But he was ſurpriſed that Miniſters, who had formerly thought ſo much ſmaller a ſum adequate for his eſtabliſhment, ſhould now think that the alteration in his circumſtances required ſo large an addition as 75,000l. However diſpoſed he might be to cenſure the extravagance of the Prince, he was not one of thoſe who thought that it ought to be magnified into a crime. This ſtile of aſperity, he remarked, had been adopted by men, who, wiſhing to go back to their conſtituents after throwing away millions of the public money in the proſecution of a war which they muſt at leaſt admit to be unprofitable, were glad of an opportunity to claim ſome credit for their economy in managing the national purſe. They might ſay to their conſtituents, "Though we have ſpent your money in the proſecution of a war for the ſupport of the Throne, do not accuſe us with profuſion; we have voted away ſeveral millions for that public object, but we have refuſed to grant even a few hundred thouſands for the gratification of the heir apparent, for the ſtability of whoſe claims we were contending." There were ſeveral conſiderations which tended to extenuate the conduct of the Prince.— They ought to recollect his age, the ſituation in which he was placed, and the inſufficiency of his income to ſupport the ſplendor neceſſary for his rank. He thought that it would have been much better to have advanced a ſum at once ſufficient to have liquidated the debts. His Royal Father might have been expected to have contributed for that purpoſe. It was rather ſingular that when in the courſe of one year they had granted a ſubſidy of 1,200,000l. to the King of Pruſſia, and a much larger ſum in loan to the Emperor, they ſhould now be diſputing about advancing a few hundred thouſand pounds for the Prince. His Royal Highneſs was certainly as good ſecurity as the Emperor for a ſum ſo comparatively ſmall. When Miniſters railed at the extravagance of the Prince, they forgot the examples of extravagance which had been afforded him in former times. Was his the only inſtance which had occurred of promiſes having been made to the Public, and having afterwards been broken? The ſame Miniſters who adopted this ungracious mode of conduct towards the Prince, if, at a future period, they ſaw him on the throne, would be diſpoſed to pay the moſt implicit ſubmiſſion to his will, to contend that all his meaſures were infal-

libly right, and to brand with the name of Jacobins, all thofe who might be of a different opinion. This, he faid, was not the way in which the monarchy of Great Britain ought to be fupported. He concluded with faying, that he would not oppofe the bill, however he might confider it objectionable; but, that he had feveral amendments to propofe when it came into the Committee.

The Earl of LAUDERDALE obferved, that the fum which was to be granted to the Prince of Wales was by no means more than was neceffary. It was not indeed fo much as had been granted to his Royal Highnefs, Frederick, the late Prince of Wales. That Prince had been allowed an income of 100,000l. a year; and, when the noble Secretary of State came forward to propofe the commitment of this bill, which was, among other purpofes, to maintain the dignity of the heir apparent to the Throne, he would do well to confider the proportion of the fum now to be granted to His Royal Highnefs, and that which had been granted to Prince Frederick, as well as to confider what had been allowed to various other branches of the Royal Family for the laft century; and, when that was done, he believed that the fum now propofed to be granted to the Prince would by no means appear exorbitant; it would be fo far from it, his Lordfhip here obferved, that it would appear unequal to what Parliament had allowed before on many and various occafions out of the pockets of the Public. He did not mean to fay, that more fhould be granted than was now propofed; but he wifhed to take a view of it, as compared with other allowances made out of the public purfe to branches of the Royal Family. Here was to be allowed to his Royal Highnefs a fum of 125,000l. a year: Prince Frederick had 100,000l. Now, he would defire their Lordfhips to compare the fituation of the two Princes. To do this, it would be neceffary to confider the ftate of the revenue of the country at the time when Prince Frederick had this allowance, and the ftate of it now. There was a term, which was perhaps more familiar at this moment to a French than an Englifh ear, but which was, however, eafily underftood: he meant that of "direct and indirect taxes." At the time when Prince Frederick had his 100,000l. a year, the indirect taxes were almoft nothing, when compared to the direct ones. The indirect taxes were thofe, which, being laid on the articles of life which every one confumes, muft neceffarily fall on the confumer, and thefe were the only taxes to which the Royal Family were fubject; for, by a claufe which was uniformly inferted in bills that related to their income, they were exempted from the direct taxes. Since the time when Prince Frederick had this income, upwards of three millions of annual indirect taxes had been laid on

the Public, conſequently the preſent Prince of Wales muſt bear his ſhare of them as well as every other individual. None of theſe fell on Prince Frederick; it followed therefore, by calculation, that the 125,000l. now allowed to his Royal Highneſs, was a ſum inferior in reality to that which had been allowed to his grandfather in a ſimilar rank. The noble Secretary of State had, on a former occaſion, expreſſed his regret that this meaſure was at all neceſſary. He regretted it alſo; but he regretted too, that all the meaſures which were propoſed to ameliorate the condition of his Royal Highneſs, did not go hand in hand. In the firſt place, he muſt ſay, that in his opinion much blame reſted upon Miniſters upon this proceeding, and they had contrived, very unworthily, to load his Royal Highneſs with an unpopularity, which they could not have brought upon him by any means but thoſe which they had purſued in the progreſs of this tranſaction. The noble Duke who had preceded him in this debate had ſtated, that they had given away the money of the Public in loads and heaps for carrying on this war: To this he readily aſſented, for they had done ſo, and for what? Why, upon their own declarations, for the purpoſe chiefly of ſecuring Royalty in this country. In this declaration they might be able perhaps to make ſomething up to their own conſciences, for he knew not what was paſſing there; they would however find it difficult to ſatisfy the Public upon that ſubject: but ſuch was the avowed object. Now he ſhould be glad to know, how any Member of the Houſe of Commons, who voted for the war upon this principle of ſupporting Royalty in this country, could tell him that he had any great objection to this allowance to the Prince of Wales, eſpecially when it was recollected that 99,000l. was granted to the emigrants upon the ſcore of Royalty? He could not conceive how men who did this ſhould oppoſe this income to the Prince, or ſay they were diſcontented with it, unleſs they ſuppoſed there was ſome other quarter which it was more important for them to conciliate. Miniſters had acted very warily in this buſineſs; they had taken to themſelves the credit of reſcuing his Royal Highneſs from his embarraſſments, and of paying his creditors; they were unwilling he ſhould have any of the management of it himſelf, becauſe they knew that in that caſe he would have the popularity of the meaſure, becauſe the Public would then perceive that the idea originated from him.—But while Miniſters had thus artfully and ſpeciouſly acted, he, for one, muſt ſay, that under pretence of providing for his dignity and eaſe, they had done every thing in their power to lower him in the opinion of the people of England. Had they allowed him this income, and given to him the management of it,

they would have afforded a much more solid foundation for the support of his dignity. The plan in this bill for the liquidation of the debts, appeared to him exceedingly defective. The noble Earl entered into some calculations to enforce his objection, and to shew that from a different management the whole of the debts would have worn a very different complexion, from what they do at present. He did not now look whether the Prince had or had not been extravagant, the question now was, What he came to the Public for? and upon this he must say that the Prince was hardly dealt with in this business, and he should not have been in the least surprised, had the demand been greater upon his Royal Highness than it really is. What had the Prince done to be so much censured as he had been? Was there any thing so very extraordinary in his present situation? What Prince did we know, who had not, in his situation, come for a greater sum from the Public? Persons at his time of life, and his station, rather regulated their conduct with a reference to what they expect, than what they actually possess: and here it would not be improper to take a short view of what had been allowed to other branches of the Royal Family in this country. Five hundred thousand pounds were paid for Queen Ann. George the First had one million three hundred thousand pounds extraordinary allowed to him. George the Second, about one million five hundred thousand pounds, and this at a time when the public revenue was less by millions than it is at present, when the indirect taxes, all of which his present Royal Highness must pay like any other individual, constitute so material a difference. His Royal Highness had yet only received, as extraordinary from the Public, two hundred and sixty-one thousand pounds. The noble Earl was not surprised at this; he should not have been surprised if his Royal Highness had wanted a much larger sum than he does at present. When Ministers pledged themselves in 1787, that no more applications for payments of debts should be made, they ought to have taken care that some provision like the present should have long since been made to prevent it. They well knew the manner in which his Royal Highness was living, yet they never said a syllable against it. —They had an opportunity some years ago, of entering into a provision of this kind, when it was in the mouth of every one, that a loan was negociating at Antwerp; but Ministers took no notice of it; they had passed by a hundred occasions, if they had been minded, to have laid hold of them. Another circumstance which tended greatly to lessen the blame of his Royal Highness in his eyes, was the advice, the contradictory advice, which had been from time to time offered him from different quarters. By some he was advised

to purſue a ſcheme of retrenchment and economy; but had no ſoone made up his mind to this, than other more ſubtle and alluring adviſers perſuaded him that it was neceſſary to the dignity of the Heir Apparent, that he ſhould live in a ſtate of ſplendor; a kind of catechiſm was given him to get by heart, and the chief burden of the creed was, that he ought, at leaſt, to live upon a footing with Monſieur Egalite. No wonder that a youthful and ſprightly mind ſhould be led aſtray by ſuch faſcinating councils; he got his catechiſm by heart; he practiſed the doctrines inculcated; and now the very men who wrote and taught him it, are the loudeſt in condemning the happy effects it had produced. He was ſure that if the people of this country ſaw the matter in its real light, Miniſters would not be ſucceſsful in their endeavours to bring odium upon his Royal Highneſs; it would fall upon Miniſters themſelves, who now affected to feel ſuch extreme acuteneſs, upon touching the public purſe. The noble Earl then proceeded to make ſeveral obſervations on the different proviſions of the bill. He diſapproved of the reſtrictions, as far as they were perſonal, againſt his Royal Highneſs; but obſerved that he ſhould approve of them, if they were merely general to any Prince of Wales. He blamed Miniſters for not making theſe proviſions, when the ſubject of the Prince's debts were before Parliament on a former occaſion, for he did not ſee why one meſſage to Parliament ſhould be followed up with more reſtrictions than another meſſage. Miniſters might aſk, "How could they do it?" There were a thouſand ways by which they could. They might have done it then by the very means they adopted now, if they had been willing. It would require more ingenuity for them to convince the Public that they ſhould not then have done it, than that they would not. They had cheriſhed the hopes of his Royal Highneſs, and now they attempted to degrade him; but he was not at all ſurpriſed at that, becauſe it was perfectly correſpondent with all their conduct towards his Royal Highneſs, and towards the Public. He ſhould not enter more at large into the bill in its preſent ſtage, becauſe this was not the ſtage in which he ſhould make ſpecific objection to the clauſes. The meſſage from his Royal Highneſs delivered this day prevented him from oppoſing the principle of the bill.

The Duke of CLARENCE ſaid, that when the loan abroad was propoſed on the part of his brother the Prince of Wales, he could ſay poſitively, that the Secretary of State of this country prevented it.

Lord GRENVILLE lamented that there ſhould be introduced into the diſcuſſion of this bill any perſonal cenſure on His Majeſty's

Ministers. Nothing more foreign to the bill could be possibly brought forward; nothing more foreign to the wishes, he believed, of their Lordships, and of the people of England, than that a debate on a subject of such public importance should take so personal a turn, as to reduce it to a party question. He pledged himself, however, to reply, if any personality was introduced. He now stood up to perform his promise, and he would assert, without the least fear of contradiction, that no censure whatever could possibly be passed on Ministers for their conduct, in any one part they had taken in this proceeding. This he said, because it was not the ordinary course of debating in that House, to charge the King's Ministers with trying, in that House, to degrade the son of the King and the Heir Apparent to his throne. This was not an ordinary censure, and therefore he must repel the attempt. What was the censure? and what the argument to support it? First, that Ministers were the cause of these debts being contracted. They the cause of the debts being contracted! How so? Was there any man in this country who would lay his hand upon his heart and say so? At the time when the subject of the debts of his Royal Highness were before Parliament on a former occasion, he had not the honour of holding any official situation under His Majesty. He gave his opinion only as a Member of Parliament, and that opinion he was ready to maintain now. Whatever the noble Earl might think, he was of opinion that the whole of the income, now proposed, might be proper, although the income was sufficient for his Royal Highness; the whole difference being between the state of a married and an unmarried Prince. The question of the precise amount to be granted, was one on which there must be a diversity of opinion; and, perhaps, no two persons might exactly agree upon it, that, therefore, ought to be discussed. But, how could it possibly be supposed, that Ministers had endeavoured to attach any unpopularity on the Prince, by bringing the matter forward? But, it was said by the noble Earl, that Ministers endeavoured to degrade the Prince of Wales by the measure which they now brought forward. Now he would wish to ask, whether that noble Earl would not have said, and, indeed, with a better chance of succeeding with the Public if he did, that Ministers, if they should have refused to bring this subject forward, had attempted to disgrace his Royal Highness? so that the endeavour to assist the Prince of Wales was now brought forward against Ministers as an attempt to degrade him. He, on the contrary, trusted that their Lordships and the Public would feel that Ministers had done every thing practicable to support the dignity of his Royal Highness. Another point had been insisted upon with as little rea-

ſon as the reſt. It was ſaid that Miniſters were to blame for not bringing this buſineſs forward ſooner, and for not having taken meaſures to prevent the contracting debts in future. What! before any application on the part of his Royal Highneſs to diſcharge his incumbrances? What right had they? What power had they? What influence had they to do ſo? When the application was regularly made, they brought forward the beſt mode they were able, and were they therefore to be cenſured for ſubmitting the whole of it to Parliament? Indeed, if the noble Earl blamed Miniſters for not coming forward on behalf of the Prince, without knowing that his Royal Highneſs wanted any of their aſſiſtance, to ſettle a mode for the payment of his debts; without knowing that he wiſhed to adopt any, he muſt ſay, that the blame was of a very extraordinary nature. There would have been great indelicacy in ſuch an officious conduct, and for which he had no doubt that the noble Earl would have been ready enough to cenſure Miniſters. The noble Lord then obſerved that it did not become him to take upon himſelf the defence of Members of the other Houſe of Parliament, to whom alluſion had been made; from ſome of them he differed, and ſome of them he knew to be pretty well able to defend themſelves. They had granted large ſupplies for the proſecution of this juſt and neceſſary war. They had, many of them, expreſſed conſiderable objection to the preſent meaſure. He knew no reaſon for ſaying that they were not actuated by a due ſenſe of their public duty; and therefore, he, for one, was not prepared to cenſure them for their conduct. This queſtion was not a queſtion of attachment to any particular perſon, but a public queſtion, on which every Member of Parliament ought to act according to his own idea of his public duty. There was no doubt but that there were ſome perſons who wiſhed to vilify his Royal Highneſs, and every branch of the Royal Family. Such perſons were enemies to Monarchy; but, ſure he was, that it was the object of Miniſters to keep Monarchy reſpectable and dignified, and he had no doubt but that ſuch was the wiſh of the great maſs of the people.

The Duke of CLARENCE obſerved, that the noble Secretary of State had ſtated that he was not a Miniſter when the debts of the Prince of Wales were before Parliament on a former occaſion. He was Miniſter in 1792. Now he wanted to know whether there was not a ſtatement of facts on the incumbrances of the Prince of Wales at that time preſented to a certain quarter. He knew there was, and therefore the noble Secretary could not be ignorant of the affairs of the Prince at that period.

Lord GRENVILLE ſaid there could be no debate where there was no equality, and therefore he muſt decline any farther conteſt

upon this part of the fubject. He had ftated what part he had taken as a Member of Parliament, and what officially occurred upon the meafure now before the Houfe. He did not apprehend it came within the fcope of his official duty to ftate in that Houfe any thing concerning an application made to another quarter.

The Marquis of BUCKINGHAM complained of the want of temper in the conduct of this bufinefs, and difapproved of the introduction of fo much various matter. He profeffed his intention of confining himfelf to the bill itfelf, and ftudioufly to refrain from any expreffion or allufion that could give pain to any quarter. He wifhed the debate could be fo conducted, that nothing but the matter in hand fhould be clearly difcuffed. On the fubject then of provifion, he faid, little differences might certainly arife. Shades of opinions would enter and mix in a greater or lefs degree into the difcuffion, whether the fum fhould be 125,000l. with the Dutchy of Cornwall, or whether more or lefs. To difmifs the firft part, he would haften to the fecond, and enter his proteft againft charging the fums fpecified in the bill on the confolidated fund, inftead of the civil lift.—On the famous debate, refpecting the increafed eftablifhment of Frederick Prince of Wales, the queftion never once was agitated whether any fum fhould be taken from out of the confolidated fund, but whether His Majefty fhould give a larger allowance out of the civil lift. Only of late years had this fyftem been departed from; and even if it had not been fo, he fhould probably have objected, as he fhould have wifhed ever to refift fuch acceffions to the civil lift. As to the recognition of certain debts which were involved in this bill, he had hoped when they were mentioned, that fomething would have been faid upon them. Parliament at no period ever did recognize the debts incurred by the Crown or its dependencies until the prefent reign; and it was fit that Parliament fhould be cautious in fuch recognitions. Some years ago, when the fame queftion was agitated, he had a great inclination to come down to the Houfe on purpofe to oppofe it, and to ftate his reafons for fo doing; but fome private bufinefs interfered, and he did not attend the Parliament. His Majefty then ftated the grounds of his application, together with ftrong affurances of regularity in future. Thofe affurances were ftill in every body's mouth, and nothing ftronger could be urged againft the prefent queftion. Parliament at that time wifhed to avoid looking too minutely into the accounts, becaufe it trufted a fimilar application would never again be made. The Commons in particular replied in their anfwer to the Royal meffage, that they acted fpecifically upon that reliance. He was forry, therefore, that a fimilar application had fo foon occurred; and he was forry alfo that

the former affurances were given, as they tended to leffen that refpect which he wifhed to fee attached to the Royal Family; efpecially, too, as the Royal Family for fourfcore years had conftantly conformed to the Parliamentary arrangements. He imagined, that the arrangements which were made by Parliament in 1780, might have been adhered to, and the Prince's credit been preferved; for, in regard to the regulations then made, there was nothing propofed but what the Prince was competent for. Indeed he was defirous that Parliament fhould not recognize thefe debts, that if any of them fhould remain unpaid on the demife of the Prince, they might ferve as an example, *in terrorem*, to future difhoneft creditors. It would therefore be a wholefome leffon, that Parliament fhould not be refponfible. Another objection he had was, that the provifions did not anfwer the purpofes for which they were profeffed to be made. They profeffed to liberate the Prince from the clamours of his creditors, when in fact the bill was not compulfory and mandatory upon all. It operated only upon thofe who fhould choofe to fubmit, and an honeft tradefman would be a madman to claim the benefit of this act, when he might recover his demands immediately by law. True it was, that fome claufe might afterwards be added to accommodate this matter; but as it now ftood, the bill was extremely defective. No honeft tradefman could be expected to fubject himfelf to fuch inconveniences as he was liable to experience by it, if he had other means of recovering; for his accounts were liable to be examined; then he muft produce a number of vouchers; and during the time which might be confumed in the examination of thefe vouchers, his accounts might poffibly be forced to undergo the infpection of new Commiffioners; then after all this wafte of time and trouble, he receives only fome debentures, which he may difpofe of with the lofs of difcount, or which he will be paid for by different inftalments in ten or twelve years after. This part moft likely would be amended in the Committee, and he did not therefore dwell upon it, though he could not then fee how it would be remedied. As a farther objection to the principle of the bill, he afked, why precautions were neceffary to impofe a reftraint upon all future Princes? The bill muft be altered, he conceived, before it could ploduce any advantage. In refpect to the debts, he thought the Prince might have adopted fome meafures for their liquidation, without fubmitting himfelf to the controul of Parliament.

The Earl of GUILFORD agreed with the noble Marquis who had juft fat down; but he thought it, notwithftanding, better to give his opinion on his legs than by a filent vote. He had been delivered from a difficulty by the meffage of his Royal Highnefs, but he ne-

vertheless wished the settling of the debts had been left out of the provision made for the establishment. He was aware, that without Parliamentary security it might be difficult to adopt an effectual plan of arrangement; but he could not approve of conjoining the provisions. One hundred thousand pounds he conceived to be a proper income for the Prince's establishment, and, as such, it should have been allowed. It was impossible, in his opinion, to blame the Prince for exceeding the income allowed in 1780, when, in the general opinion, it was maintained, that an establishment suitable to his rank, dignity, and circumstance, could not be supported with less than 100,000l. per annum. In reply to what the noble Marquis had observed, that if the payment of the debts were not to be recognised by Parliament, and some of them were left unpaid on the demise of his Royal Highness, that it would be an wholesome lesson to wicked creditors; he said it would not confine itself to wicked creditors alone, though he could wish it so to do, but would extend also to as honest men, and as useful and respectable in the community, as any of the noble Peers there present. After expressing an opinion, that it was improper to suffer the Prince to be dependent on Ministers, he concluded with a declaration of his determination to vote for the commitment of the present bill.

The Earl of CAERNARVON said that it was impossible to separate the provision for the payment of the debts from the allowance for the income; and in reply to the noble Marquis, upon the alternative of submitting to the benefits of this act, or recovering by legal process, he stated that it could not be; for it would be to the disgrace and the discredit of the country, if a legal process could be instituted against the Prince after the passing of this bill, and consequently a clause would remedy that evil.

The Earl of MOIRA rose to state the reasons why he objected both to the principle and the clauses of the bill, at the same time that he declared his intention not to oppose it or vote against it, if a division took place. He affirmed, that the provisions of the bill was equally inadequate and inapplicable to the purposes which it held out, and maintained that, throughout the whole of this transaction, the Prince had been unfairly dealt with, by the manner in which his situation had been brought before the Public. If a different conduct had been pursued, he was sure the Public would have been as ready to come forward with assistance, as the Prince was uneasy that circumstances made it necessary for him to apply to them. Nothing could more strongly point this out than the communication which he had made to Parliament, setting forth in language of heartfelt contrition the embarrassments he lay under, and this he conceived

ought to have been received more as a candid and manly acknowledgement of his real situation, than held out as an inference that he had been guilty of any criminal extravagance or idle waste of money not his own. He had always been one of those who thought the Prince's income inadequate even to the current expences of his situation, and therefore he was the less surprised at his getting in debt. He differed entirely from the noble Earl, who stated that his Royal Highness had regulated his conduct and expences by catechism set down to him, by which he was led to believe, that whenever his debts amounted to a sum sufficiently large, he ought then, and not before, to make his situation known to Parliament. By such an advice he certainly might have been deceived, and encouraged to run heedlessly into expence. But he was sure that from no such catechism, and by no such advice, had his Royal Highness's conduct been dictated, and no man could have been more seriously affected than he was when he first knew the situation of his affairs; in short, he thought language by far too harsh had been applied to his conduct, 'when his fault really amounted to no more than this: He seemed ignorant of the old proverb, "that drop added to drop may become an ocean," and thus he had thoughtlessly involved himself in embarrassments much greater than he had any idea of.' The noble Lord then proceeded to say, that when he had read the debates in the other House of Parliament in the newspapers, he could hardly give credit to what he there read; but he was afterwards convinced of the expressions that had been used, from the conversation of different gentlemen. Instead of discussing the subject of the incumbrances in a manner suited to the person in debate, who was one day to ascend the Throne, the Prince had not been treated even as a gentleman. Being at the mercy of the House, he ought to have been considered with more lenity and respect. Had he had a seat in that Assembly, he should have discussed the question very differently from the way in which it had been discussed. He should have made up his mind as to the part he ought to take;—if he had thought the application to Parliament improper, and unfit to be attended to, he would have rejected it with a silent reserve; if he had thought otherwise, he should have shewn himself liberal, and disentangled the Prince without disgracing him. He should have done otherwise than the bill proposed to do; for it directly contradicted the grounds on which it was professed to be brought forward, viz. to save Monarchy from disgrace, by giving assistance to the Prince. According to the present bill, a smaller income was allowed to his Royal Highness than would, by experience, be adequate to the purposes for which it was intended, or on which he could subsist or

maintain his dignity. He would ask the noble Lords in the confidence, and about the Prince, whether the bill in question was not, in every tittle of it, totally different from that first proposed to his Royal Highness; as well as contrary to his opinion? He, from being honoured with his confidence, could state what it was, and he could submit it to the House. His Royal Highness feeling, as he had always done, the utmost deference to the opinion of the Legislature of the country; and to whose decisions he would ever implicitly submit any opinion of his own, could not help feeling upon the present occasion, that the bill, as it now stood, involved him in a situation which would embarrass him in a contradictory and unpleasant dilemma, from which he would be unable to extricate himself or act, as the bill proposed he should. The measure was contradictory in itself, and some part of the provisions rendered it impossible to pursue or observe the others. If one part of the bill was implicitly obeyed, the other must necessarily be neglected. One object being pursued, the other must be lost. The object of the measure, as it in the preamble set out to profess, was to give an increased income to his Royal Highness the Prince of Wales. This income was deemed necessary to support and maintain the dignity of the character. In giving this income, it was thought to be such as was proper and necessary to support the rank of the Heir Apparent of the Monarchy—and the splendour of the situation was deemed an essential part of the national arrangement. If such, therefore, was the object; if it was meant to give that splendour and dignity it professed to give, the other provisions of that act entirely destroyed such intention. Immediately after the additional income was voted, it was, by the subsequent parts of the bill, taken away; and he was dismissed into retirement, with the rank of a private gentleman. If this latter part of the arrangement must be observed, the former must be defeated; and it was impossible to fulfil the purpose of the bill, by maintaining the state and dignity of a Prince of Wales, such as the nation had decided to be a necessary appendage to the Monarchy. His Royal Highness felt this contradiction, and thought, from the imperfection of the measure, that it was likely the wisdom of Parliament must in a future day again be called upon. But whatever was the individual opinion of his Highness, he submitted it with the utmost pleasure to the wisdom of Parliament, and with the greatest satisfaction and readiness would accede to any appropriation which they might deem necessary. Lord Moira then observed, that he knew not who had advised the present measure of an application to Parltament; if he had had the honour to have advised his Royal Highness, he should have dissuaded him from so doing. He

ſhould ſtate, that when the application was made to Parliament in the year 1787, the Prince conferred with him on the ſubject, and declared that the proviſion of increaſed income then granted him was not adequate to his eſtabliſhment and neceſſary expences. His Lordſhip had no doubt but the meſſage, ſuch as had been ſent to Parliament, was read to his Royal Highneſs; he would not diſpute it, nor ſuppoſe the Prince was trepanned into giving his aſſent to it; but he believed that the meſſage had been lightly read over to his Highneſs, and that the object was to get ſome ſort of concurrence to it. In reſpect to the preſent bill, he knew that it had been propoſed by the Prince to accept of 100,000l. a year, including the Dutchy of Cornwall; and that 50,000l. a year ſhould be appropriated for the payment of his debts. His Royal Highneſs wiſhed for no reverſion of the latter ſum. He never wiſhed for the arrears of the Dutchy of Cornwall, but as a means of paying off his debts. By the manner in which the preſent bill had been brought forward, it appeared to him that the Miniſter had not given ſufficient credit to the Public for their generous and liberal ſentiments towards the Prince; had he truſted more to them, the matter would have been differently concluded, and more to the intereſt of all parties. By the ſpeech which introduced it, much ſtreſs was laid on the embarraſſments which attended the meaſure; and a colour ſeemed to be given, that the items of the debts were ſuch as could not meet inveſtigation. Thus were they magnified, and a ſuſpicion caſt upon them, which very naturally excited much jealouſy among the Public. It was alſo impoſſible not to notice the indefatigable calumny which had been uſed in every ſtage of this buſineſs to depreciate the Prince in the public opinion. He thought it a diſgrace to the country. His Lordſhip here commented upon the plan of iſſuing debentures, and upon the appointment of the Commiſſioners. He thought the arrangement went to take away from his Royal Highneſs every degree of management in his own affairs. The Commiſſioners were none of them connected with his Highneſs; and he thought, that at leaſt, ſome one of his law officers, or other perſon, who poſſeſſed the confidence, and had communication with his Highneſs, ſhould be included in the liſt. The preſent arrangement gave a ſort of influence amongſt the creditors, which ſome time or other might appear at a Weſtminſter election, as the Commiſſioners would have it in their power to pay off the debentures of one ſet of creditors in preference to another, as it ſuited their views. He declared that he did not mean now, or at any future ſtage of the bill, to move any alteration in it, becauſe he truſted its abſurdity was ſuch that Parliament and the Public would ſee the neceſſity for ſetting it

aside. He did not think that this question could be entirely unconnected with party; but he differed widely from those who thought that the opposition and harshness used in both Houses on this bill would give pleasure to the ear of a certain great personage. Certain he was that his Royal Highness glowed with every sentiment of affection, duty and gratitude to his parents.

The Earl of LAUDERDALE contended that nothing had fallen from any of the noble Lords, that could be called a vindication of Ministers. He had always thought that the Prince's income had been inadequate, at the same time he never would agree to have it made so much a greater burden upon the people for the purposes of paying his debts. He had always believed, and now he had heard from authority, the nature of the message in 1787, which was, that it did not come as an actual promise from the Prince, but as a measure which Ministers thought politically convenient for themselves at the time; and they had persuaded his Royal Highness, against his own opinion, to agree to it. Promises of this sort they had known before. Here the noble Earl stated the first addition granted to the civil list in 1769, and that in 1777, when the Speaker of the House of Commons had made a speech at their bar, which had justly merited and received the repeated thanks of both Houses of Parliament. He adverted to a new sort of reasoning that had been used that night; noble Lords talked of supporting the bill, because its absurdity was so great that the Public must see the necessity of setting it aside. He was very sorry to hear such declarations in that House. He saw much censure attached to the Ministers in the whole of this business; and was sure, if other men had been in power, and other men more naturally connected with his Royal Highness had given advice, such embarrassments never would have occurred: An ample revenue would have been first allowed to the Prince, and then an additional income upon his marriage; and all that would have been done with credit to the Prince and justice to the people. He begged leave to set the noble Earl who spoke last to right, as to the supposed insinuation that the opposition to this bill was made to give pleasure to the ear of a certain illustrious personage: He would think himself a madman or a fool, had he said any such thing. What he said alluded to a very different quarter; and it must have been obvious that he meant Ministers, when he observed, that he could not conceive any one would endeavour to degrade his Royal Highness, unless they knew it would please another quarter better than their constituents.

The Earl of MOIRA rose to explain some particulars of his speech which had been misconceived by the noble Earl. With re-

ſpect to the idea entertained by the Prince of this bill, he would take upon himſelf to aſſert poſitively, that his Royal Highneſs conſidered it as highly prejudicial to his intereſts—and indeed to have formed any other opinion upon it, would prove his Highneſs to have a mind incapable of judging. When the Prince of Wales was ſingle, ſeventy-three thouſand pounds a year were found inadequate to the ſupport of that ſplendour, which it was deemed neceſſary for the dignity of the Monarchy that the Heir Apparent ſhould maintain—And now, when his expences were of courſe very conſiderably increaſed, it was expected that he ſhould live in greater ſplendour upon an income of ſixty-five thouſand pounds per annum—Their Lordſhips, upon a few moments recollection, muſt perceive, that with the moſt minute attention and rigid economy, his Royal Highneſs could not poſſibly keep up any degree of ſtate and dignity upon that income; the conſequence muſt therefore neceſſarily be, that inſtead of the ſplendour of a Prince, the Heir Apparent muſt live as a country gentleman. When he ſtated that the high Perſonage, whoſe name he had taken the liberty to mention, did not conceive this bill compatible with his intereſts, he deſired not to be ſuppoſed to convey an idea that the Prince wiſhed the bill not to paſs; on the contrary, the Prince was willing to adopt any meaſure which might come recommended by the wiſdom of Parliament.—There appeared to him a very extraordinary degree of inconſiſtency in this bill; it was ſaid by its ſupporters, that the Heir Apparent ſhould preſerve a certain portion of ſtate and dignity, in order that he might aſcend the Throne with the habitual reſpect of the people; and yet by this bill it was rendered utterly impoſſible for the Prince to live in that manner.

Lord GRENVILLE ſaid, that, with the utmoſt reſpect for the ſentiments of the noble Lord who ſpoke laſt, he muſt take the liberty of ſtating, that the ſentiments of his Royal Highneſs could not be regularly conveyed to them in that manner. The Prince's gracious acquieſcence in the meaſures ſuggeſted by Parliament, had been communicated to them by his Highneſs's ſervants; and upon that communication they muſt act. The noble Lord had endeavoured to fix an inconſiſtency upon His Majeſty's Miniſters, by attributing to them the opinion that it was neceſſary that the Heir Apparent ſhould maintain a conſiderable degree of ſplendour. He admitted that Adminiſtration would certainly conſider that as a deſirable circumſtance, and had ſuggeſted to Parliament a proviſion, which, after a certain period, would enable the Prince to live in a ſtyle ſuitable to his rank.—But then, it was ſaid, that by the proviſions of this bill, his Royal Highneſs would be obliged to go into

retirement; that was also true, for he considered it more consistent with the true splendour and dignity of the Prince, that by a temporary retirement, he should exonerate himself from the incumbrances under which he laboured, than that any additional incumbrance should be laid upon the people for that purpose.

The motion forthe second reading of the bill was put and carried without a division. The bill was then read a second time, and ordered to be committed to-morrow. Adjourned.

Thursday, 25th June.

The order of the day being moved for the commitment of the Prince of Wales's bill, and the House having resolved itself into a Committee,

The Duke of BEDFORD observed, that he had originally objected to the principle of this bill, and also to the provisions. He did so still, for he remained of his former opinion. But as his Royal Highness had acquiesced in the bill, and had manifested that acquiescence, and as this was stated in several parts of the bill itself, and as all objections would now be fruitless, he should no longer offer any opposition to the bill.

The Earl of LAUDERDALE did not entirely agree with the noble Duke, as to the real meaning of the acquiescence of the Prince. When he communicated his readiness to acquiesce in whatever the wisdom of Parliament might determine, he must mean to confide in that wisdom; not that he would have it understood, that the present bill was agreeable to him.

The Earl of MOIRA put it to their Lordships, whether it was proper that the Princess, after being invited over by the unanimous wish of the nation, under the idea of being made the partner and sharer of the splendour due to the rank she was to hold, should be sent into a retirement of nine years? If the measure of dignity and splendour necessary to the support of the character of Prince of Wales, could not be supported under the sum of 125,000l. per annum, as declared by the bill, how could the Prince support it with so curtailed an income? If it was constitutionally necessary that such rank and appearance should be held by the Prince, it was acting contrary to the interests of the Monarchy, and therein contrary to the interests of the country, which was attached to the interests of the Monarchy, to make such arrangements as would not permit him to support that dignity. His Royal Highness must draw the same inference; and every man in his closet reasoning upon the subject, would and must necessarily draw the same conclusion. At the expiration of the nine years of retirement, where would be the difference of situation of

the Prince, as relative to the Monarchy? If he could not support the becoming dignity as proposed during the nine years, at the expiration of that term he stood exactly in the same relative situation to the country as he now did, and according to this principle, all he received above the present proposed income would be a lavish waste of the public money. If, on the contrary, such arrangements were made, as would disincumber his Royal Highness, he could take upon him to say, that from the disposition of his Highness, all matters might in future proceed to the satisfaction of the nation. He condemned the bill, as bearing the appearance of driving his Royal Highness into retirement, and not even leaving him the grace of the measure.

Lord THURLOW then took a view of the bill, and complained that the Prince had been very hardly dealt by. He complained that the Prince had been very grossly libelled in pamphlets, and whoever the authors were, whether pensioners or not, or whomsoever they intended to flatter, he was sure that Ministers would prove that they had given no countenance to their calumnies by bringing them to condign punishment. He believed that the 5,000l. a year had been thought to be applicable to the disposition of her Royal Highness; this was nonsensical, for it would not pay her servants; the expences of the establishment must be nobly borne between them. He was of opinion, that dignity was not to be entirely supported by external splendour; but yet he thought that a certain degree of outward grandeur was necessary for an elevated character; if not, it might as well be said, that instead of coming in a state carriage, His Majesty might come to that House in a *frieze coat*. His Lordship was also of opinion that the choice of the Commissioners should have been left to his Royal Highness. He would not oppose this bill now, because he knew that would be of no avail at present; but he professed his persuasion that the bill must be hereafter amended.

The Duke of CLARENCE said, that he would not propose any amendment, because he was conscious that if any amendment should be adopted the bill itself would be defeated. He at the same time perfectly agreed with the noble and learned Lord, with respect to what he had said on the subject of the Commissioners.

Lord GRENVILLE said, he wished only to advert to one point, which had fallen from the noble and learned Lord. He seemed to think that he had made an effort of candour, when he supposed that a libellous attack on the Prince had not proceeded from a person in the pay of Ministers. On this subject the noble Lord had the advantage of him; he was too much engaged with other avocations

to attend to all the libellous trash which issued from a licentious press.

The LORD CHANCELLOR said, he had been sorry to hear any thing like criminality imputed to the Prince in the course of the present discussion. It was not to be supposed, nor was it to be desired, that a Prince should count pounds, shillings, and pence. Taste, liberality, and munificence might lead him into a conduct, which might bear the appearance of extravagance. In his situation expence courted him; all who had any species of exhibition took an opportunity to submit it to his attention, and to court his patronage. The censure on the debts of the Prince he ascribed not to any deficiency of loyalty, but, on the contrary, to the extreme interest which the people took in all his transactions as a public character. A private man in his actions might pass unnoticed, because they extended in their consequence only to himself; but not so with public characters. Those who stood in the exalted ranks of life, must move in their conduct by other rules than those in the lesser spheres. If extravagance, or rather want of economy, was to be the consequence, it was excusable, since their very virtues might be turned against them; taste, liberality, generosity, benevolence, &c. were but so many incitements to error; and the more they possessed the above virtues, the more were they likely to act with incaution. The regulations, therefore, which prevented such incautious excesses, were not directed against the Prince—they were guards which surrounded him, and prevented him from being liable to incroachments such as he had represented. In such regulations the honour of the character felt no wound. His Lordship next defended the appointment of the Commissioners, who were selected from high official situations; and conversant in business. In the manner in which these were appointed and the debts arranged, the House had shewn how much they peculiarly considered the subject as connected with themselves. It was a matter of great delicacy to put any confidential servant of the Prince in such a situation. It might be necessary to ask many questions in the adjustment of the debts, which a friend to the Prince would not like to do. Such a situation he thought best avoided, and the present appointment was such as must afford satisfaction. He had been adopted without any regard to personal considerations, and merely from the situations which the Commissioners held in an official capacity.

The bill was then reported without any amendments, and ordered to be read a third time to-morrow,

Friday, 26th June.

The Royal affent was given by commiffion to eighteen public bills, and one private: among the former were a bill for granting to His Majefty a certain fum out of the confolidated fund for the extraordinaries of the current year; a bill for more effectually manning the Navy, Inland Navigation Bill, &c.

The bill to empower His Majefty to provide an eftablifhment for the Prince of Wales, &c. was read a third time and paffed.

Saturday, 27th June.

This day His Majefty came to the Houfe of Peers, and being in his Royal robes feated on the Throne with the ufual folemnity, Sir Francis Molyneux, Gentleman Ufher of the Black Rod, was fent with a meffage from His Majefty to the Houfe of Commons, commanding their attendance in the Houfe of Peers. The Commons being come thither accordingly, His Majefty was pleafed to make a moft gracious fpeech. (For a copy of which, fee the proceedings of the Commons of the fame date.)

After which, the Lord Chancellor, by His Majefty's command, faid:

" *My Lords and Gentlemen,*

" It is His Majefty's Royal will and pleafure, that this Parliament be prorogued to Wednefday, the fifth day of Auguft next, to be then here holden; and this Parliament is accordingly prorogued to Wednefday, the fifth day of Auguft next."

END OF THE FORTY-SECOND VOLUME.